

Also, petitions of Rev. B. F. Fleetwood, D. D., of Sycamore, Ill.; Dr. A. M. Harrison and C. E. Sovereign, of Rockford, Ill.; and W. E. Prichard, of Ottawa, Ill., for prohibitory legislation; to the Committee on the Judiciary.

Also, petitions of J. E. Lewis and H. C. Wood, of De Kalb, Ill., for the Chamberlain bill, Senate bill 1695, for military and naval training; to the Committee on Military Affairs.

Also, petition of Herman L. Lange, for House bill 15582 and Senate bill 1662, to increase pensions of blind veterans; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, asking a referendum vote before Congress declares war; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Dorchester, Roxbury, and Mattapan, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, memorial of members of the Convention of New England Electrical, Civil, and Mechanical Engineers, pledging themselves to support the President regarding war; to the Committee on Foreign Affairs.

By Mr. GRIFFIN: Petition of National Housewives' League, signed by Jennie Dewey Heath, favoring the passage of the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Equitable Life Assurance Society of the United States, protesting against the increase in the present tax on life insurance funds; to the Committee on Ways and Means.

Also, memorial of Boston Post Office Clerks' Association, Branch No. 5, United National Association of Post Office Clerks, indorsing House bill 17806; to the Committee on the Post Office and Post Roads.

By Mr. HINDS: Memorial of the Portland Chamber of Commerce, Portland, Me., opposing the proposed tax of 8 per cent on the excess profits of corporations and copartnerships; to the Committee on Ways and Means.

By Mr. MORIN: Petition of Messrs. J. W. Cruikshank, H. E. Zaring, R. G. Pentecost, C. E. Mayhew, and H. H. Willock, all of Pittsburgh, Pa., with reference to the Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. OAKEY: Memorial of Central Pomona Grange No. 1, Patrons of Husbandry, of Connecticut, against amendment reducing the tax on colored oleomargarine; to the Committee on Ways and Means.

By Mr. ROWLAND: Petitions of sundry church organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SHOUSE: Petitions of 43 people at a public meeting at Minneola, Kans., and 90 people of the Woman's Christian Temperance Union, Ashland, Kans., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of the retail druggists of Rome, N. Y., for legislation permitting the mailing of poisonous drugs to persons fitted to receive them; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New York, protesting against the passage of the Kitchin bill, to regulate check collection; to the Committee on Banking and Currency.

By Mr. SULLOWAY: Memorials adopted by the 453 mechanical engineers of the New England Branch of the American Society of Mechanical Engineers, in reference to the attitude of the President and Congress on the submarine issue, and pledging loyal support; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Colorado: Petition of Church of the Brethren, Fruita, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 114 people of the Congregational Church, Fruita, Colo., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of certain citizens of Grand Junction, Colo., protesting against shipment of liquors from the United States to west coast of Africa; to the Committee on Alcoholic Liquor Traffic.

Also, memorial of the Methodist Episcopal Church of Fruita, Colo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of Francis Willard Union, representing 200 people, of New Castle, Pa., favoring the Sheppard-Gallinger-Webb-Smith joint resolution for a prohibitory amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of College Hill Union, numbering 124 people, of Beaver Falls, Pa., favoring the Sheppard-Gallinger-Webb-Smith joint resolution for a prohibitory amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of 25 members of the Cross Creek Grange, No. 954, Washington County, Pa., opposing Senator UNDERWOOD's amendment to the revenue bill; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Memorial adopted by the Commercial Club of Larimore, N. Dak., urging upon Congress the necessity of the early designation, construction, and maintenance of a system of national highways; to the Committee on Roads.

## SENATE.

SUNDAY, February 18, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

### MEMORIAL ADDRESSES ON THE LATE SENATOR CLARKE.

Mr. ROBINSON. Mr. President, pursuant to the notice heretofore given, I offer the resolutions which I send to the desk and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

#### Senate resolution 363.

*Resolved*, That the Senate has heard with profound sorrow of the death of the Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas.

*Resolved*, That is a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. ROBINSON. Mr. President, the notable career of the late Senator JAMES P. CLARKE, of Arkansas, was closed by sudden death on October 1, 1916. Within four months after his demise the legislature of our State adopted a resolution providing for the erection of his statue in Statuary Hall in commemoration of his services to Arkansas and to the Nation.

Mr. CLARKE was born in Yazoo City, Miss., August 18, 1854. He studied in the common schools and other local educational institutions of Mississippi and graduated in law at the University of Virginia in 1878. He entered upon the practice of his profession at Helena, Ark., in the following year. In 1886 his political career began with service in the lower house of the general assembly. In 1888 he was elected to the State senate for a term of four years, becoming president pro tempore of that body and ex officio lieutenant governor. In 1892 he was elected attorney general of Arkansas, and in 1894 governor of that State. Three years later he resumed the practice of law at Little Rock and actively pursued his profession until his election to the United States Senate in 1902. His service in this body began March 4, 1903, and his influential activities here continued until his death.

The action of the General Assembly of Arkansas in authorizing the statue of Senator CLARKE to be placed in our national hall of fame within so short a time following his departure, is an unusual tribute. Considered in connection with the fact that he had many personal antagonisms and political controversies, the enmities of which must have survived him, this tribute to his character and services is the more pronounced. This honor was prompted by appreciation of the personal integrity and marked ability which characterized the private and public career of Senator CLARKE rather than by affection and gratitude. There are other names associated with the progress of Arkansas that thrill her people with loving memories. Gen. Patrick Cleburne ranks with Jeb Stuart, Bedford Forrest, and Stonewall Jackson in courage and daring. The songs of Albert Pike, his chivalric, knightly character and striking personality, render him immortal.

Augustus H. Garland was among the Nation's greatest lawyers and statesmen. James K. Jones led his party for many years with courage, fidelity, and distinction. U. M. Rose was for the lifetime of a generation the most cultured man at the American bar. His knowledge of literature and art was not greater than his comprehension of the principles of justice and equity, which form the basis of our social, industrial, and political system. Any two of these are worthy of places in Statuary Hall, and it has been the difficulty of choosing among them that has kept vacant one of the niches reserved for Arkansas. Any man who



pursues a long political career must incur enmities. One who is always aggressive and uncompromising naturally accumulates many political enemies. This was the case with Senator CLARKE. Yet so highly is his memory esteemed in Arkansas that the legislature has already voted the resolution according him a place among the Nation's immortals.

#### PERSONAL HABITS.

One of the secrets of the success which attended the efforts of Senator CLARKE is found in his personal habits. They were in every respect above reproach and criticism. Notwithstanding his impulsive nature, he never dissipated and never indulged in excesses in any form. He abstained from the use of alcohol and tobacco, was systematic in his labors, and regular in his hours of work and recreation. His exercise consisted almost entirely of walking. He never engaged in sports or pastimes. Had he done so, in all probability he would still survive. He lived in a state of almost constant tension. His amusements were limited to the pleasantries of conversations with intimate associates. He rarely attended theaters, never read poetry, and found little pleasure in music. His greatest delight came from his knowledge and study of the peculiarities and personal traits of prominent men. Senator CLARKE read comparatively few books. In speeches he rarely quoted any one; yet he possessed the greatest fund of valuable information and the smallest amount of useless knowledge of any man I have ever known. The sources of his knowledge, its accuracy and thoroughness, were sometimes subjects of amazement to his friends.

#### CHARACTERISTICS OF HIS PUBLIC SERVICE.

It is not practicable to review on this occasion the details of his public service. It is my good fortune to have known him all my life and to be familiar with the mainsprings of both his public and private conduct. They were integrity, courage, absolute independence, and consequent masterful will power. His public career was long. There was never an hour of it when his character and conduct were not under the scrutiny of friends and enemies, notwithstanding his detestation of notoriety; yet he was never suspected of dishonesty or of willful disloyalty to the public interests. He was always observed and frequently assailed, but never was his personal or official integrity impeached or questioned. He once said to me: "I have some confidences but no secrets."

Courage, both physical and moral, were an equally distinctive trait of this remarkable man. His physical courage was primitive, at times almost savage. Until late in life his habit was to invite conflict, never to avoid it. He had many personal encounters. The readiness with which he avenged an insult and the relentlessness with which he pursued an enemy were perhaps the least admirable traits of his otherwise marvelous character.

It is not often that moral and physical courage in equal proportions are combined in a single character, but in Senator CLARKE extraordinary physical courage was equalled, if not excelled, by moral courage. He did not fear to take any stand, to advance against any measure which his judgment condemned, or to spring to the support of any principle which his conscience approved. He was the only public man I ever knew whom I regarded as absolutely free from demagoguery and every other form of political pretense or dissimulation. A great man who has served a generation in Congress once said:

I am as sincere in my public utterances and acts as the exigencies of politics will permit.

He spoke the truth. Next to Senator CLARKE, that man approaches as nearly to absolute independence of thought and action in public matters as any man whom I have known. A great newspaper published in Arkansas once said, in substance:

Whatever one's personal feelings toward him may be, Senator CLARKE can not fairly be accused of any form of demagoguery.

Indeed, he was more likely to choose the unpopular than the popular position. The unqualified independence of Senator CLARKE frequently brought him into opposition with his party associates. During the administration of President Roosevelt the Panama Canal legislation was opposed by the Democratic organization in the Senate. Its passage was accomplished, as Mr. Roosevelt has stated, largely through the exertions of Senator CLARKE.

When the so-called Bristow amendment, the joint resolution providing for the election of United States Senators by popular vote, was pending in the Senate many Democratic Senators from Southern States expressed the fear that force bills would result, and sought to modify the amendment so as to deny to the Federal Government control over elections. Senator CLARKE declared that the preservation of the Government may in the future depend upon its control of the selection of its officers. He voted for the Bristow amendment and against the Bacon amendment

giving to the States the power to fix the times, places, and manner of holding elections. The Bristow amendment became a part of the Constitution. His vote was indispensable to its passage. His contribution last Congress to the defeat of the ship-purchase bill, strongly advocated by the administration, and its modification during the present Congress to conform in part to his views are familiar history to all Senators.

His election as President pro tempore of the Senate when the Democrats secured control of the organization in 1913 was an honor which he and the people of our State heartily appreciated. Speaking for the most part to Senators who are familiar with his personality and his services, I deem it not improper to say that this recognition was the tribute of his associates to his unimpeachable integrity and his notable ability, and was in no wise the result of that partiality which sometimes brings unmerited favor to men in public life.

His reelection as President pro tempore of the Senate at a time when his relationship with some of his party colleagues was strained on account of his opposition to the ship-purchase bill, an administration measure, gives emphasis to this view and illustrates his ability to impress his personality upon his associates in spite of the opposition which his course inevitably aroused.

When the Adamson eight-hour bill was voted upon by the Senate Senator CLARKE and one other Democrat voted against the measure. He regarded the bill as a direct encroachment upon the freedom of contract and as legislation under improper restraint and influences approximating compulsion. It has been stated that he declined to sign the bill as President pro tempore because of his opposition to it. It is true that he vacated the chair and called the Senator from New Jersey [Mr. HUGHES] to preside when the bill was received for signature; but I happen to know that his action in this instance was not prompted by his opposition to the measure but by a desire to accord the privilege of signing it to one of his intimate personal friends who had been a strong advocate of the bill and whose whole career in Congress had been signalized by a friendly attitude toward legislation in the interest of labor. There is no mistake in the assertion that he was unalterably opposed to the bill, but his failure to sign it was prompted principally by the sentimental consideration above stated rather than by sheer obstinacy.

The Panama Canal bill, the Bristow amendment, the ship-purchase bill, and the eight-hour law are all measures of paramount and far-reaching importance. All forms of political and personal pressure, amounting to almost temporary social and political ostracism, were exerted to induce him to yield in every one of these instances. In no case did he seriously consider modifying his position except with reference to the ship-purchase bill. In that case, if he did not slightly modify his attitude, he was almost persuaded to do so.

#### PHILIPPINE INDEPENDENCE.

During the last session of Congress, when the Philippine Government bill was under consideration, Senator CLARKE offered an amendment providing for independence to the Philippines within a short, fixed period. Opposition to the amendment was organized and powerful, and the contest was one of the fiercest which I have observed in Congress during 15 years' service. His amendment, in a modified form, passed the Senate, but was defeated in the House of Representatives. Its defeat was a great disappointment to Senator CLARKE, who believed in a prompt grant of independence to the Philippines as necessary to preserve amicable relations with certain oriental powers, and to maintain the honor and good faith of the United States as expressed in its traditional policies, its treaties, the Constitution, and the Declaration of Independence.

These instances illustrate his independent grasp of public questions. They are by no means exhaustive. His views and services were practical rather than theoretical. He never advocated purely idealistic propositions, but invariably justified his course by considerations of justice and the public interest.

#### DOMINATING SPIRIT.

The impatience with which he encountered opposition, his decisive views and aggressive assertion of them, and his dominating spirit are known to every Senator here. His appeal was to the group rather than to the individual or the multitude. His influence with courts, juries, committees, and like organizations was remarkable, and at times astounding. He was almost indifferent to popular opinion. His freedom from all forms of demagoguery, of which I have already spoken, is illustrated by the fact that he never advertised, never appealed to sympathy.

Unfriendliness toward newspapers and newspaper men marked his entire public career. He rarely granted interviews, never explained through the newspapers, and frequently provoked



unfriendly editorial comment by an intolerant manner. Some of the newspapers in our State pursued a persistent policy of antagonizing him and their reporters and correspondents were instructed to "knock" him. He rarely took public notice of unfavorable comments, but freely expressed, in a personal way, his resentment at this treatment.

Had he pursued a different course, had he been considerate of the feelings of newspaper reporters and availed himself, as most public men do, of fair and just opportunities for publicity, his unusual attainments and mental powers would have been more generally known and appreciated.

#### SOME CLARKE EPIGRAMS.

The power of terse, epigrammatical statement characterized Senator CLARKE's utterances. I have memorized a few of his sentences so striking or original as to merit preservation, as follows:

The hate squad in political warfare is always on the firing line, brother; it never sleeps nor goes off duty. It is commanded by disappointed office seekers.

There exists no political friendships; they are merely political alliances.

The ever-increasing details of senatorial labor tend to belittle the office. Under the existing system we exhaust our energy in attention to the trivial and personal requests of our constituents and retain neither the strength nor the disposition to devote ourselves vigorously to the great public issues.

It is not so much the requests of my constituents which I have refused to grant that have plagued and embarrassed my public service as those which I have attempted to grant to the neglect of vital public duties.

No one deserves to be a Senator who shirks responsibility by hiding behind a caucus edict. I am anxious to confer with my colleagues and gladly yield to them in nonessentials, but in matters vital to the Nation's welfare, I must be true to my own convictions.

If the people knew the petty jealousies and the selfishness that animate officialdom, their patriotism might be staggered.

I never placate an enemy.

While every man owes a portion of his time to the public, a poor man is foolish to pursue politics through the earning period of life, and thus approach its end in regret and poverty.

The professional politician, like the professional gambler, always loses the big stake if he plays the game long enough.

One of the important principles of our Government is to minimize the influence of selfishness in its actual administration.

The Constitution is too often invoked to justify as an individual right what the public condemn as a moral wrong.

The traditional devotion of this Government to liberty requires that we pledge a prompt grant of independence to the Philippine people.

Nature compensates in part the loss of power that frequently attends old age by inability to realize approaching senility.

In his last campaign he was exhorted by friends to distribute garden seeds and Government documents as a means of promoting his renomination. In the course of a public speech he said substantially:

I have been told that my candidacy would be more popular if I would send the voters garden seeds and documents. This does not appeal to me as a justification for your favor, but if you view the subject differently you will no doubt be gratified to learn that a carload of Government documents and seed is now on the way to Arkansas. I hope, however, that none of you will be influenced by such means to vote for me.

On another occasion he said:

Complaisance is made that I do not answer letters. I receive a great many communications that in no wise relate to my public duties; letters that concern the private wishes of some of my constituents. I have answered every letter which I regarded as worthy of an answer, and I inform you now that if I am reelected to the Senate I shall write fewer letters during the next six years than I have written during the last.

The foregoing are reproduced from memory and are incomplete and inaccurate, but they serve to illustrate and emphasize the unusual character of Senator CLARKE's mind and manner.

#### COURAGE IN THE FACE OF DEATH.

The extraordinary personal courage of this man did not fail him in the face of death. His intimate associates had known for some months before the end that he experienced physical infirmities which occasioned him anxiety. He was aware of the nature of the malady with which he was afflicted—arteriosclerosis—and knew that it was incurable. A few months before his death, contemplating the future, he said to me:

If I could call back ten years, I would propose that we retire from politics and form a partnership for the practice of law; but it is now too late for me to make that change. I am facing the wall.

His face assumed the rigidity of marble, and he concluded with this statement:

I shall end my career in the Senate, and it will not continue long. One of the principal ambitions of my life in youth was to become a United States Senator. My only regret is that I have been unable to so control my labors as to apply my energies unreservedly to the great problems with which I have been called to deal.

Three days before his death Senator CLARKE was stricken in his office with apoplexy, and while being removed to his home in an automobile a young man of my acquaintance passed him on the street. He was sitting upright between two friends. His demeanor was so complacent and unchanged that, although he was dying and could not speak, the young man, mistaking his fortitude for the manifestation of health and vigor, said to me an hour later: "I saw the senior Senator a little while ago. He looked unusually well." Imagine my feelings when I shortly learned that he was being borne to his deathbed. On the following Sunday about noon, surrounded by his family, he passed resignedly into eternity.

Senator CLARKE was endowed with a great mind and possessed an indomitable spirit. His devotion to duty, his adherence to the public interest, and his indifference to censure, which ordinarily deters feeble souls, marked him as an extraordinary man. If he had yielded to the promptings of his generous heart and forgiven the wrongs which his manner invited; if he had cultivated more flowers and planted fewer trees; if he had known more of charity and less of will, his life would doubtless have been happier, but in all probability his public services would have been less fruitful.

Mr. LODGE. Mr. President, the news of the death of Senator CLARKE, which came to us last October with the shock of a surprise, brought to me not only genuine sorrow but a deep sense of personal loss. I never had known Senator CLARKE until he entered the Senate, and I shall not attempt to say anything in regard to his career prior to that time, which can be done much better and with a more perfect knowledge by others. I desire merely to give the impression he made upon me during our years together in the Senate. After we first met in this Chamber our acquaintance soon ripened into friendship. Our service upon the Committee on Foreign Relations gave us subjects of a common interest, and this widened to many others, not only those connected with the work of the Senate but to all the matters, great and small, concerning men and things about which friends are wont to talk. Dr. Holmes says that in every one of us there are three men: John as he appears to himself, John as he appears to others, and the real John. But the real man can be discovered, I think, through his acts and words, and through the comparison and combination of the judgments of others. I can only speak of Senator CLARKE as he appeared to me, and my opinion and estimate may vary from those of others, but this at least I can say, that my judgment of him was neither casual nor hasty.

When the wise men of Northumbria gathered, some fourteen hundred years ago, to deliberate on the new Christian faith to which their King Eadwine had pledged himself, an aged ealdorman said:

So seems the life of man, O King, as a sparrow's flight through the hall where a man is sitting at meat in wintertide with the warm fire lighted on the hearths but the chill rainstorm without. The sparrow flies in at one door and tarries for a moment in the light and heat of the hearth fire, and then, flying forth from the other, vanishes into the wintry darkness whence it came. So tarries for a moment the life of man in our sight.

To all engaged in active pursuits, still more to those of us in public life, there comes a vision of many men and many faces as we flutter through the warm and lighted hall of life. One blurs into another and they pass like the marching hundreds of a great procession and leave only the impression of multitude behind. In Meissonier's famous picture of the Cuirassiers passing the Emperor at the Battle of Friedland there is an overwhelming sense conveyed of a vast mass of charging cavalry, of men with uplifted sabers shouting the cry of onset, and of crowding horses, wild eyed and with wide, distended nostrils. And yet I believe there are only seven men and horses actually and separately delineated; all the rest is the indication and suggestion of multitude by the art of the painter. So, as we unroll the canvas where life has stored its pictures, we seem to hear in the silence the tones of many voices like the "sounds of water falling" to see with the eyes of the mind a great gathering of men and women; but as we look closer we discern that memory, like the great artist, has, with cunning hand, given an unescapable effect of numbers, and yet that there are only a few clearly drawn and finished portraits in her gallery. We soon learn to realize, if we reflect upon it, that this is one of nature's more kindly forms of selection, and that the counterfeit presentments which she leaves, deep graven upon the tablets of



memory, of those whom we have met in life, after the gates of childhood have closed behind us, are not there by accident. It matters not whether we have loved or hated the original, the portrait is there because its subject possessed qualities which could neither be blurred by a crowd nor overlooked and disregarded through insignificance.

Senator CLARKE was a man who could not be overlooked. One might like or dislike him, but it was impossible to disregard him. He had an arresting personality. For my part, I liked him from the first, and as the years passed my feelings changed from liking to affection, and with the affection was mingled much genuine admiration. He was, of course, an able man. His success in life and the offices he held demonstrated his abilities. But there are many men of ability and industry who are not interesting and who lack the character and qualities which command admiration, even if it is accorded with reluctance. Senator CLARKE was interesting. That fact I soon discovered, and I was struck very early in our acquaintance with the alertness of his mind and with his keen sense of humor. His mind worked with really extraordinary rapidity, and when this quickness of comprehension was found in combination with humor it is hardly necessary to add that he was a sympathetic companion. He talked extremely well, and that which was best about his talk was that it was all his own, for, so far as my observation went, he almost never indulged in anecdote, which he shunned, I think, because the long-drawn story bored him, and he was bored, it seemed to me, rather easily. It is no doubt an amiable trait to suffer bores gladly, but the man who does not do so—and Senator CLARKE did not—is pretty certain never to be tiresome himself. Another quality which made him attractive was his intellectual honesty, whether he was dealing with men or events, and he was singularly free, in forming and expressing his opinions, from the prejudices of either locality or environment, which usually mark the village outlook and the parochial mind.

With his intellectual honesty went almost necessarily intellectual courage. He never retracted or fell back from his own beliefs or conclusions. His moral courage was on the same plane. I have never seen a man in public life more wholly courageous in all public questions, whether political or otherwise. I do not say this because on several rather conspicuous occasions he voted against his own party. This is not uncommon, and often requires courage, although at times it is due to very different motives and qualities. I have recognized and appreciated his courage when he was against the views I held quite as much as when we were in sympathy. Sometimes it has seemed to me that the position he took was simply perverse, but the courage with which he maintained it was just as clear as in any other case. He never feared to stand alone. Intellectual or political solitude had for him no terrors, although he was by no means a solitary man and liked and depended upon the society of his friends. He had a hatred of base compliance and of timidity, especially moral timidity, and this led him perhaps at times to extremes and to the occasional apparent perversities of judgment of which I have spoken. But however much one might differ from him, it was impossible not to respect him. By force of intelligence and character he came to a high place in the Senate, and no one ever doubted that he was a man of power with whom it was necessary to reckon. His death leaves a gap in our public life not easily filled, and has caused a break in the friendship of many of us which will always be remembered with affectionate sorrow.

I have only attempted to give the merest sketch of Senator CLARKE as he appeared to me. It has, I think, at least this merit, that it is entirely true so far as I saw and knew him, and I know that he would have preferred the truth to be spoken. Oliver Cromwell, when Sir Peter Lely proposed to leave out the wart in the portrait, said, "Paint me as I am." This, I am sure, would be Senator CLARKE's wish, and this is what I have tried to do, but I am well aware how imperfect any sketch must be. I have sought only to give an impression of the man and to point out his most salient attributes, but the quality for which Senator CLARKE commands especial commemoration, the one for which he should long be remembered, was his complete courage shown in a time and place and in a mode of life where we are not overburdened or oppressed with that high virtue. He had an intellectual courage which never faltered before the conclusions reached by his reason; a moral courage which never shrank from loyalty to his convictions and his sense of duty; a high personal courage to which the fear of any man or any body of men was not only unknown but impossible. It is thus that I have read the character and the qualities, both intellectual and moral, of the friend whose death I so deeply and sincerely mourn.

Mr. BRYAN. Mr. President, we remember many of our public men only because they were successful in politics. We think of the office, and then, by the association of ideas, figure out who held it at a given time.

Senator CLARKE's life was crowded full of political honors. Yet I always think of him first, and of his office afterwards, if at all.

His fame will rest not upon the fact that he was governor and United States Senator, but upon his individuality.

He was well equipped for public life. He had ability; he was industrious; he hated shams; he was mentally honest; he had convictions and the courage thereof.

He was not provincial, but, on the contrary, comprehended the rights and interests of the whole country, as to which he was remarkably well informed. Moreover, he loved his country and its institutions.

If Arkansas honored him, he was an honor to Arkansas. If the Senate honored him, he was an honor to the Senate.

In his death Arkansas has lost a distinguished Senator, the Senate has lost one of its leading Members, and the country has lost a real statesman.

Mr. HARDWICK. Mr. President, those who knew Senator CLARKE best admired him most, respected him most, and loved him best.

Impetuous as Rupert, he was just as dashing, just as brave. The Harry Hotspur of senatorial debate, he was always a Chesterfield in his manners and in his bearing. Possessing a superb mental equipment, he had also that far more rare and precious gift of the gods—an unflinching courage, both physical and moral, that does not leave a man even in the dark hour that immediately precedes the dawn, that makes him a marked man among his fellows, a leader in Israel.

It is not my purpose to speak at length or with detail of Senator CLARKE's long and distinguished service in this body. Others who have served with him longer may do so more appropriately. If, however, I may be permitted to summarize in a word the one predominant feature of that service, the crowning virtue of his great public career, I should unhesitatingly say it was "independence"—independence of thought and action, of mind and character. His figure stood out in splendid and startling relief from the drab background of smooth complacency, of easy and frequent surrender of principle and conviction that is so characteristic of modern politics and of modern politicians, the greatest and the boldest and the truest and bravest American Senator of recent times, man of his own mind, captain of his own soul, acknowledging no master save the God he worshipped and the great constituency whose commission he held.

To my mind he was, first, last, and always, the splendid prototype of the Roman Senator in those early days when the glory of the seven-hilled city first began to fill the world, and when chiefest among those glories was the spotless integrity, the profound wisdom, and the lofty patriotism of its Senate.

Senators, we both miss and mourn our erstwhile associate, our late colleague. His dauntless soul has lifted at last the veil that enshrouds immortality, and the secrets of the beyond are bared to his inquiring mind. No tremor of fear ever challenged his manhood in life, and we may be assured that he went unafraid to meet his Maker and his Judge. His great public services have become a part of the heritage of his countrymen, and the memory of his glorious courage remains with us to cheer us and to inspire us when at times the path grows thorny and the feet begin to falter.

May God assail his soul and may we meet him again in that brighter and fairer land where hypocrisy and cowardice are not and where only the true and the pure in heart keep the altar fires alight.

Senators, I loved him, I miss him, I mourn him.

Mr. GALLINGER. Mr. President, a great lawyer, an eloquent advocate, a fearless defender of his principles, a man of strong likes and dislikes, JAMES P. CLARKE belonged to a class of public men who have contributed largely to the advancement of the things that most vitally concern the dignity and welfare of our country. Others will tell of his remarkable achievements as a citizen of Arkansas. It is sufficient for me to say a few simple words as to my knowledge of the man as a Member of this body.

Senator CLARKE entered the Senate March 9, 1903, and died October 1, 1916, shortly after he had been elected to a third term. As a Senator, he was noted for his integrity of character, fearlessness in debate, and independence on the great public questions of the day. Elevated to the high office of President pro tempore of the Senate, he discharged the duties of that position with absolute impartiality. No member of the minority had



any reason to fear that he would not be protected in every right that belonged to him or that the rules of the body would not be administered in a most scrupulous manner.

Impatient in speech and militant in manner, Senator CLARKE took a high rank as a debater, demonstrating his great knowledge of the traditions of the Senate and of the fundamental principles of both national and international law.

Senator CLARKE, in common with other Members of the Senate who have been here a long time, was a firm believer in free and unlimited debate and vigorously opposed all attempts at cloture, no matter what form they might take. "This is the only tribunal on earth," said he at one time, "where there is unlimited debate, and there is no question of relevancy here except what is designated in the rules."

On another occasion the advocates of cloture attempted to take a long step in the accomplishment of their ends by demanding that a Senator must confine his remarks to the question before the Senate. Senator CLARKE was quick to voice his objection to such a course, declaring that if the rule were applied that a Senator must confine his remarks to the proposition which the Senate had before it "it would depopulate the Senate and absolutely doom some of us to eternal silence, if we had to talk directly to questions that are pending." He believed that Senators should be allowed to follow their own methods of debate, and not be required to speak with the knowledge that they might be interrupted at any time by another Senator in whose opinion their remarks were not relevant to the subject under discussion.

As President pro tempore Senator CLARKE was confronted with many situations which would have seriously embarrassed a weaker man, but he met them all with courage, and inexorably applied to each case the rules of the Senate as he interpreted them. He was an exponent of the theory that Senators present but not voting should be counted if it was necessary to establish the fact that a quorum was present. He many times, while in the Chair, put that principle into effect, and unhesitatingly announced the presence of a quorum even though it had not been shown by the vote.

Senator CLARKE was a close student of public affairs, particularly those involving legal questions. He spent many hours in the Library of the Senate examining the reports of the Federal Courts and the records of previous Congresses for material on which to base his instructive addresses to the Senate, which always commanded the close attention of his colleagues. His death left a gap in the Senate that it is difficult to fill, and he will be missed more and more by those of us who knew the man and appreciated his splendid qualities of heart and mind.

Mr. SAULSBURY. Mr. President, 35 years elapsed between the time I first knew JAMES P. CLARKE as a law student at the University of Virginia and the time we renewed our acquaintance in the Senate of the United States. CLARKE was a young man of 24 and I was a boy of 16 when we first became acquainted. He was recognized then at the university as a strong, able, self-willed, determined man. I was a young boy in the academic department, and naturally I felt it a privilege to be acquainted with him and have him take some interest in my welfare. The boys at the university predicted that CLARKE's ability would carry him far, and they were not in error.

Those of us who have had strenuous experience in the political field know that a man who serves in his State house of representatives, thence goes into the State senate, becomes attorney general of his State, is chosen by his people as their governor, and then elected to the United States Senate for three terms not only has great ability, determination, and all qualities that go to make up leadership but that he has impressed his work and attainments thoroughly upon those who have the opportunity to know him best—the people back home.

It is doubtless a great satisfaction to a man of Senator CLARKE's preeminent ability to have that ability recognized in the wider field of national politics, but when your constituents time and again have shown their high appreciation, as the people of Arkansas did in the case of Senator CLARKE, one can have the double satisfaction of knowing that back home, where men are weighed in different scales, the constant support and appreciation shown by them leaves no real terrors for a self-reliant, conscientious representative of the people when, perchance, defeat may come to him, and he returns to pass the remainder of his life among them. Kipling has expressed his thought in a way which seems to me as striking as any I have heard:

Old Nineveh town has nothing to give  
For the place where a man's own folks still live;  
He might have been that or he may be this,  
But they love him and hate him for what he is.

I have no doubt from my own knowledge of Senator CLARKE that he had his full share of loves and hates, but I have never known a man who was more absolutely self-reliant, willing to meet any contest forced upon him or which he forced upon his antagonists, and, personally, I can not conceive that in any of the stormy episodes of his career he ever gave or asked quarter. Dispositions differ, so that traits like these may seem admirable or not, but no one fails to admire the man of great ability and courage grappling with whatever questions may be presented, entering fearlessly into whatever conditions he may have to undergo, and throughout it all exhibiting, as Senator CLARKE did, an independence of thought, character, and action which many would be proud to emulate.

Some time before his last reelection Senator CLARKE said to me that he had never been satisfied fully with his career in the Senate, and that he hoped, if reelected, he would be able to devote himself to the larger questions of statesmanship which had been too much in his life interfered with by the urgent claims of practical politics. He said to me that he intended during the balance of his political career to take a more active part in the consideration of questions of wider importance than he had been able to do during his prior terms, and I attribute to this intention the very prominent part he took in the consideration of the Philippine bill, where his proposal of early and certain independence became the storm center of that important measure, around which practically all debate revolved. I approved of Senator CLARKE's conception of the right treatment of this matter, and feel sure that this was one of the larger questions affecting the future welfare of our country to which he had given most careful consideration and, as usual, regarding which he reached the right conclusion.

Senator CLARKE's powers did not show any signs of failure; his services in this body ended probably at the height of his intellectual powers. He had become a national figure, and achieved that position through intellectual ability. Those of us who lived here on terms of friendship with him admired and respected him as one of the great figures in this body. His State honored itself and him in the selection, as one of her Senators, of this man of dominant personality, and those of us who knew him well will long hold him in remembrance, in the highest esteem and regard.

Mr. BORAH. Mr. President, it has been said that republics have a tendency to make moral cowards of public men. It may be so, but if so, the man to whose memory we pay tribute to-day was a splendid exception to the rule. This tendency did not leave its impress in any way upon his labors here. He was one at least who examined all questions upon their merits and followed without anxiety or apology the course pointed out by an untrammelled conscience and a well-trained mind. Firm in his purposes, fearless in the advocacy of his opinions, he belonged to that splendid breed of men who mold rather than follow public opinion—the only true servants of the people, the real defenders of democracy. Neither prestige, precedents, nor popular outcry disturbed him in the least when once he had made up his mind as to the justice of a cause or the truth concerning the subject in hand. No man had a keener or more accurate scent for the specious and insincere, none more adept and ruthless in striking the mask of patriotism from the face of selfishness and fraud. That confusion of plan, that sudden change of procedure, that drive forward to-day and retreat to-morrow which ever accompanies the course of those who consult expediency rather than truth constituted no part of his public service. He did not belong to that class of modern statesmen whose capacity to discern the drift of popular sentiment has been developed at the expense of the higher and nobler faculty of discerning the sound from the unsound, the temporary from the permanent, or that which satisfies the demands of the day from those great truths which contribute to the permanent happiness and power of a people. His independence was the constant admiration of his colleagues, his moral courage was superb.

We have all often read how at a time when things seemed going against the plan to formulate a constitution and create a government, Washington uttered these words:

It is but too probable that no plan that we can propose will be adopted. Perhaps another terrible conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and honest can repair. The event is in the hand of God.

Underneath these words it is not difficult to discern that abiding belief that in the final disposition of things the people will measure up to and approve the best plan that the bravest and best intellects of the age can give, and such a belief is the bedrock foundation upon which the higher faith in popular



government is built. These words of Washington ought to be written above every legislative hall in our land. Upon any other principle the Republic will ultimately break down. The common mistake which we are all prone to make is in underrating the wisdom and patriotism of the people. They may not always discern in the first instance the wisest and the best, but they never ultimately reject the truth when the truth is pointed out. Those who do not believe that the people are capable of indorsing and approving the wisest laws and sustaining the most efficient institutions which the best minds and bravest hearts can give them do not really catch the true principles of popular government at all. They have been lured into time-serving paths and missed entirely the larger outlines of the great faith. I can pay no higher tribute to our departed colleague than to say that he walked in manly fashion in the light of these principles. He believed that that which was wise would ultimately win, and that though not popular to-day a measure founded in reason and justice would be popular to-morrow. He was willing at all times to wait for vindication in case it was not at hand, and he did not worry about the lateness of its arrival. He believed in the eternal law of right and wrong and by it tested all other laws. If the majority approved he was gratified. If not he was not dismayed. He knew there was something of the reptile in the man who crawls whether at the bidding of a prince or a president, something of the intellectual slave in the man who surrenders his conscience to the control of others, whether to a king or a multitude. In this body JAMES P. CLARKE represented himself. The vote he cast was his vote, and yet there were among our membership no truer man to popular government, no firmer advocate of the just and the humane than this self-reliant and upright Senator.

Mr. President, a few years ago one of the most attractive men of the South came up into a northern State and told us of a "new South." No one can forget the thrill of joy which the rich tones of Grady's voice sent to every loyal heart in the land. Old chords were touched by a wizard hand and gave up again the strains of nationality. The music of the Union of the old days when, as Webster tells us, Massachusetts and South Carolina stood about the administration of Washington, drowned for years by the din of civil conflict, rang strong and true again all the way from the plantations of the South to the miner's cabin on the slopes of the western mountains. The brilliant Georgian sounded a note sincere and true. I have no doubt that here and there sleeping in southern bosoms may be found something of the old prejudice which some untoward act might arouse; I have no doubt there are still those in the North who are unable, honestly unable to free themselves from the strong feelings engendered by the stress and strain of those terrible days. We neither quarrel with nor criticize those people. But if I mistake not there is not only a new South but a new North—a North which has finally torn from its heart the old feeling of suspicion and hate and which has finally come forward to the place where Lincoln stood at the close of the war, a North which realizes deeply and profoundly that the South more than any other part of the country must deal with that peculiar problem of which no one can think without a tremor of doubt—a North which no longer boasts of being better prepared to deal with this great problem than those upon whom the greater portion of the burden rests. Senator CLARKE represented this era of rehabilitation, this period of a truly reunited and disenthralled country. He rose easily, naturally, and without ostentation, above locality, above section, and oft-times above party. His vision and his purposes included his whole country, his patriotism in scope and sympathy was commensurate with the Nation as a whole. He resented the limitations of prejudice and broke away from all restraints which the past would put upon his truly national spirit.

It would prolong these remarks too far to enter upon a discussion of the details of his service here, his exceptional ability as a lawyer, his wide and most accurate information upon all public questions, the dignified and impartial manner in which he presided over this body. I conclude by saying that he was in every sense a great Senator, an honor to the great State which he so faithfully represented, and commensurate in integrity and ability to the responsibility attaching to his position in the highest legislative body in the country. In these crowded tragic days we do not long reflect about the things that are gone by nor often hark back to our colleagues who have passed on, but everyone who served with him misses from our midst this strong, resolute, indomitable, historic figure.

The VICE PRESIDENT. Without objection, the resolutions offered by the Senator from Arkansas will be considered as unanimously adopted.

#### MEMORIAL ADDRESSES ON THE LATE SENATOR SHIVELY.

Mr. KERN. Mr. President, in pursuance of the notice heretofore given, I offer the resolutions which I send to the desk. The VICE PRESIDENT. The resolutions will be read. The Secretary read the resolutions, as follows:

#### Senate resolution 364.

*Resolved*, That the Senate has heard with profound sorrow of the death of the Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. KERN. Mr. President, when it was announced in the Senate on the afternoon of the 14th of March last that the distinguished senior Senator from Indiana had passed out of life in Providence Hospital in this city but a few moments before, there was sorrow, sincere and profound, on both sides of the Chamber. While all realized the loss of one of their ablest and most honored associates, there were very many Senators who mourned the loss of a friend for whom they entertained feelings of the most affectionate regard.

The sad intelligence was not unexpected here in Washington, for all were familiar with the brave and heroic fight for life he had been making for more than a year, and many had been witnesses to the dreadful suffering he had endured and the matchless fortitude with which he had so long fought the losing battle.

And when the message announcing the end of this honorable and useful life was flashed across the mountains to the great Commonwealth whose Senator he was, the expressions of sorrow were universal, and from the lake to the river there came up from the people—men and women of all parties—the strongest manifestations of their deep appreciation of the splendid services rendered by their great Senator, who for so many years and with such great ability and rare fidelity, had represented them first in one and then the other branch of the National Congress.

He was born in Indiana—born and brought up on an Indiana farm—and until he attained his majority his life was spent in the midst of the good country people of his section, working on the farm in the summer, first attending and then teaching in the common schools in the winter. He knew the nature of their joys and the depth of their sorrows, and by this experience he had first-hand knowledge of the aims and purposes, the needs and desires, the hopes and aspirations of the great body of the people whom he was afterwards to serve with such distinction, and it was this knowledge thus acquired which made of him such an effective champion of popular rights.

He loved his native State and in return her people honored him and ungrudgingly gave to him the highest proof of their confidence and esteem, so that when the end came there was universal sorrow throughout the State for one of her best-loved and most distinguished sons was "gone forever and ever by" and the face and figure so well known of all were never more to be seen amongst men.

BENJAMIN FRANKLIN SHIVELY was born in St. Joseph County, Ind., on the 20th day of March, 1857. He never resided elsewhere, and his body rests in the soil of his native county within a few miles of the place of his birth.

His father, Rev. Joel Shively, was a minister of the Gospel, his mother a devoted Christian woman, so that he was brought up under the influence and within the environment of a Christian home. His youthful experiences were those of the average farm lad in the Central West, working on the farm in the summer and attending the common schools in the winter until his eighteenth year, when he became a teacher in the schools which he had attended as a pupil, and continued to teach in the winter seasons for several years, until 1880, when he engaged in journalistic work until 1884, in the meanwhile giving some time to the study of law.

His entry into the political field was under circumstances somewhat remarkable. In 1884, the year of the great Cleveland-Blaine campaign, Hon. William H. Calkins, who had represented the South Bend district in Congress for several terms, received the Republican nomination for Governor of Indiana, and resigned his seat in Congress.

For the long term the Democrats of the district had nominated Hon. George Ford, a very able lawyer, of South Bend, now the judge of the superior court of that county. After the resignation of Mr. Calkins, it became necessary to nominate a candidate to fill out his unexpired term. As St. Joseph County



was the home of Mr. Ford, already nominated for the long term, the nomination for the short term would in the natural course of politics have been given to a citizen of some other county, for there were several counties in the district, and in all of them were men of such ability and distinction as to have made creditable and formidable candidates. But the attention of many had been attracted by the journalistic work of young Shively, who since his majority had affiliated with the organization known as the Greenback Party—being made up in Indiana of men of character and ability, who believed with many men of both of the old political parties in the quantitative theory of money, and many of whose views as to the proper status of the greenback under the law were afterwards approved and vindicated by the Supreme Court of the United States.

As young SHIVELY's sympathies in the presidential campaign were known to be with Cleveland as against Blaine, and he had shown much ability in his newspaper work, the party leaders concluded that it would be the part of wisdom to enlist his active service in the campaign, and the nomination was tendered him and accepted, and after a brilliant and aggressive canvass he was elected and served out the unexpired term, which ran from December, 1884, until March, 1885. He was the youngest Member of Congress, but by his manly bearing, modest demeanor, and the ability shown in committee and on the floor, he won the confidence and regard of all, and a career of great usefulness was predicted for him by many party leaders.

At the end of this short term he entered the law department of the University of Michigan to continue his preparation for the legal profession and pursued his studies so energetically and successfully that he was graduated with the degree of bachelor of laws during the next year.

The district was normally Republican by a considerable majority, and prior to 1884 had been represented by a Republican for many years; so in 1886 the Republicans resolved to redeem it if possible and named as their congressional candidate their strongest man, Gen. Jasper Packard, a gallant Union soldier, a skilled debater, and seasoned politician.

Mr. SHIVELY's record, during the short term he had served was so satisfactory that he was given the Democratic nomination without opposition. A series of joint debates was arranged, and a most interesting campaign inaugurated. Great crowds greeted the candidates at these joint meetings, and intense interest was manifested. Young SHIVELY more than met the expectations of his friends, and was hailed everywhere as the champion of the young Democracy of the State. Although the Republican State ticket carried the district, he was elected by more than a thousand majority, and his reputation as an orator and debater was firmly established.

He was reelected in 1888 and 1890, and though the unanimous choice of the party in 1892, declined the nomination, that he might engage in the practice of his profession.

It was while serving his third term in Congress that he married Miss Laura Jenks, daughter of Hon. George A. Jenks, a distinguished citizen of Pennsylvania, who was Solicitor General of the United States during the first Cleveland administration. Three children were born of this union, George J., John J., and Mary M., all of whom are living and giving promise of lives of usefulness. Senator SHIVELY was tenderly devoted to his family and home.

In 1896 the Democratic Party of Indiana, by a well-nigh unanimous vote, gave to Mr. SHIVELY the nomination for governor of the State. It was a most exciting contest. From the time that Bryan made his great convention speech at Chicago, there was not a day that was not full of dramatic interest in the Indiana campaign. SHIVELY was at his best. His oratory was second only to that of Bryan, and under the inspiring leadership of these two young champions of popular rights there was such a rallying of the hosts as has never been witnessed since.

SHIVELY was at the very forefront of the battle every day. Handsome in person, commanding in presence, with rich and resonant voice, and genuine oratory born of deep conviction, he sounded the trumpet call, and the very earth was trembling for weeks beneath the tread of the marching hosts of the people.

He went down in defeat, but it was an honorable, if not glorious, defeat. His splendid leadership was everywhere acknowledged, and he was given the complimentary vote of his party for United States Senator, while it was in the minority, and in 1909, when, for the first time since 1893 it had the opportunity to confer the honor, it nominated and elected him to the position, which he filled so honorably and with such distinguished ability to the hour of his death.

Senator SHIVELY's great ability as an orator was recognized throughout the Union, and in every campaign there were de-

mands for him in all the debatable States, and from New England to the Pacific coast he had been a commanding figure in the field of campaign oratory.

His record in both Houses of Congress was an enviable one. Whether in the committee room, in the executive departments, in legislative work upon the floor, or in the party councils, he was always strong and effective. He rose to membership on the Ways and Means Committee of the House at a time when the tariff question was paramount and became at once conspicuous and influential in shaping the tariff policy of his party, and his addresses in both Houses on that subject were equal to the best ever delivered by any of the great party leaders.

In the Senate he served with great distinction on the Finance Committee and that on Foreign Relations and was chairman of the important and busy Committee on Pensions. During the long illness of Senator STONE he was acting chairman of the Committee on Foreign Relations and at a time when questions of great international importance were perplexing the President and the country. He proved himself equal to the great work and commanded the confidence and admiration of the President and Secretary of State, both of whom frequently sought his counsel and prized highly the very important service he rendered them.

I came to the Senate in 1911 without legislative experience and at once sought the advice and aid of my distinguished colleague. He gave me both ungrudgingly and unselfishly, and our relations up to the day of his death were of the most cordial character. He was deeply solicitous that there should be harmony of action between us, and on all important questions we conferred fully, so that, if possible, we might act and vote in agreement. As a result we kept in perfect accord, our only division of opinion being on the literacy test of the immigration bill, and, as we conscientiously differed on this point, there was not the slightest friction.

In the recommendations we were called upon to make for appointments to office he was generous to a fault, and, although we had scores of friends, applicants for the same position, we never had the slightest difficulty in arriving at a satisfactory result.

It was at Senator SHIVELY's suggestion that I was made a member of the Finance Committee of the Senate within two months after I became a Member of this body, and it was on his motion two years later that I was made chairman of the majority conference.

He was a man of great heart and noble impulses, a statesman of profound learning and exalted patriotism, and he has been and will be sadly missed in the councils of the Nation.

He was my friend, and I shall never cease to honor his memory. May he rest in peace.

Mr. NELSON. Mr. President, Indiana is one of the great States carved out of the "territory northwest of the Ohio River." It was given a Territorial government in 1800, and became a State in 1816. Barring a few scattered French hamlets, most of the pioneer settlers of Indiana came from two sources, the earliest—and perhaps the greatest number—came from the States south of the Ohio River, and among this class was the family of Abraham Lincoln. This immigration was supplemented by a considerable number from the Eastern and North-eastern States. This double source of immigration led to a slight cleavage on the question of slavery at an early period in the history of the State, for, although the ordinance of 1787 had prohibited the "institution," yet an effort, which had no great strength and soon collapsed, was made for its retention. This double ethnic source from which the population of the State has sprung has no doubt, to some extent, led to the many hot and close political controversies which have prevailed, so that, politically speaking and from a party standpoint, the State has for upward of three-quarters of a century been regarded as a so-called "close State." The result of this political contention, ever recurring, has been to breed from time to time a large number of able statesmen and versatile and eloquent orators in both of the great political parties. The political battles have always been strenuous and acute, and have called for and produced aggressive and militant leaders on both sides. There has not been much room, as a rule, for such political leaders as are sometimes called "political accidents." To become a political leader in such a State and under such conditions real and substantial ability and energy are required. Mere ancestry or wealth is of little consequence.

The fact that our late colleague, Senator SHIVELY, became one of the leaders of his party in the State of his birth, and the State which he so ably represented in this body, is ample proof of his integrity, his ability, and his qualifications as a leader.



He could not have attained the prominence and leadership that was his without ability of a high order. He was not born in the lap of luxury and had no strong friends at court to give him a start in life. By his own efforts, and without help from outside sources, he managed to secure a fair education, and was admitted to the bar as a practicing lawyer. During his earlier years, while he was engaged in securing his education, he taught school, worked on the farm, and did other strenuous manual labor. Among other work in which he had been engaged in those earlier years, he informed me that during one season he operated a thrashing machine among the farmers of Wabasha County, Minn., and he seemed highly pleased with his experience in that line of activity.

Most of the bright, brainy, and active young men in the State of Indiana naturally turned to politics, and this was the case with Senator SHIVELY. At the early age of 26, in 1883, he was elected a Member of the Forty-eighth Congress and was re-elected to the Fiftieth, Fifty-first, and Fifty-second Congresses. It was my fortune to be an associate of his and to serve with him in the Forty-eighth and Fiftieth Congresses. He was one of the youngest but most active Members of that body. Few Members, if any, were more prominent than he when serving their first term. During that early period of our service we boarded at the same hotel, when I became intimately acquainted with him not only officially but socially, and I found him to be a most genial, warm-hearted, and sympathetic companion.

He was very industrious and attentive to public business, and during the latter part of his service in the House he ranked among the more prominent Members of that body. During the Fifty-first Congress he was a member of the Committee on Banking and Currency and the Committee on Indian Affairs, both very important committees; and during the Fifty-second Congress he was a prominent member of the Committee on Ways and Means.

On leaving Congress he resumed the practice of law. But his ability as a political leader and speaker soon brought him again into the political field, and in 1896 he became the candidate of his party for the governorship. While he failed to be elected, he nevertheless polled his full party vote. After an interregnum of 13 years, during which time he was busy in his profession as a lawyer, though not inactive in politics, his party in 1909 elected him a Member of the Senate, and in 1914 reelected him for a second term of six years, but it was not his fate to be permitted to serve out his second term. He passed away from this life, after a lingering illness, on the 14th day of March, 1916, during the early part of the first month of the second year of his last term, in the 58th year of his age, mourned and missed by his family, his State, his party, and his associates in this body.

Senator SHIVELY was a member of many of the important committees of this body, the most notable of which were the Committees on Finance, Foreign Relations, and Pensions. He was chairman of the Committee on Pensions, and the next in rank to the chairman of the Committee on Foreign Relations and occasionally acted as chairman of that committee. His service in the Senate was marked by the same industry and energy that had characterized him in the House of Representatives. He was serious, conscientious, painstaking, and thorough in his work and was a disbeliever in mere perfunctory service. While not an orator in the common acceptance of the term, he was nevertheless a good and ready debater, who could give and take blows.

While it was not my privilege to hear him on the stump, from what I know of him I can well imagine that he was a strong and effective campaign speaker, whose words, coming from an honest and sincere heart and delivered without any flourish or blare, went home to the heads and hearts of his hearers. It is the man back of the word that makes the word effective and impressive. It seemed to me as though his early struggles had given a color and tone to the entire make-up of his life. There was something intensely human and sympathetic about him. Here in the Senate, as among his neighbors at home, he was always the plain, bluff BEN SHIVELY, without any frills and without an eye on the reporters' gallery. He seemed to be as proud of the fact that he had once run a thrashing machine in Minnesota as of the fact that he was one of the political leaders of his State and a prominent Member of this body.

He was a man of high character, honest, fearless, and brave—a man in whom his party had implicit confidence, and a man whom we all could trust. "BEN SHIVELY'S" word was current and good among all who knew him, here and in Indiana. That State has furnished our country with a number of great statesmen, ranking with the foremost in the entire Nation. While the deceased Senator could not perhaps be rated with the foremost of these, he was, nevertheless, near them, and as near the

heart of the people of his State as any of them, typical of the brawn and brain, the soul and the heart, of the great body of the people of his State. Friend and brother, we bid thee a sorrowful and final farewell!

Mr. STONE. Mr. President, my affection for BENJAMIN F. SHIVELY was so deep and personal and my bereavement at his sad, untimely end is so poignant that I would prefer to sit silent to-day. I say this because when I stand at the grave of one I loved and whose memory is very dear to me mere words become as sounding brass, empty and comfortless. At such a time, except for the hope we have about things shadowed in the mysteries of the great beyond, there is little in speech to soothe or inspire. True, this beautiful hope to which we cling does soften the blow, and there is inspiration in the example of a great life, but the profound regret which grips the heart goes on to the end with little surcease of sorrow. When I stand in the presence of beloved dead my heart calls more for meditation and the tribute of silence than for public utterance. And yet, in the circumstances of this ceremony I feel constrained to join with others here and speak a gentle word or two about my friend who is gone.

Mr. SHIVELY was a man of high ideals. There was nothing even small, much less mean, about him. He was incapable of littleness. He was kindly, but firm; genial, but not fulsome; frank, but reserved; loyal, but not boastful; clean in mind and heart, but human and considerate; fearless as any knight who ever poised a spear, yet gentle as a woman; intellectual in a high degree, endowed with great powers of analysis and with comprehensive mental scope, he was modest and unpretentious. In the full vigor of his strength, before the wasting came, he stood as a king among men and made a superb and pleasing picture to look upon. I shall not say that we may not see his like again, but this I do say, that all in all there never lived a more manly man.

His public life, although cut short by fate with seeming cruelty, covered many years of distinguished service. He was a marvel of studious industry and profoundly conscientious in all he did. When he was at the helm we knew the pilot was fit to steer the ship. His work will stand as a shining monument to his fine intellect, his patient toil, and his stainless patriotism.

But he is gone. Never again will we feel the pressure of his hand or behold the flash of his eye or the smile upon his lips. He has gone from the transitory scenes of mortal life into a sphere of nobler activities. He has trod the unlit path that most men dread and passed on through the gateway leading into the light beyond. Of one thing I am sure—that no man ever entered upon this starless pathway with braver heart, and few have better deserved the welcoming song of the Angelic Choir as they stepped from the darkness into the sweet sunshine of the eternal Summer Land. And thus I part from dear "Old Ben" with this salutation—Hall and farewell!

Mr. SMOOT. Mr. President, to all those who enjoyed the privilege of knowing the late BENJAMIN F. SHIVELY, a Senator from the great State of Indiana, the best tribute to his memory is an unblemished narrative faithfully describing his rare qualities of character and intellect, as has been done so splendidly by the speakers preceding me. They have portrayed him as he was in life; yet his own words speak more eloquently for him than words of mine can do. I served with him for a number of years on the Committee on Pensions of the Senate and learned of his sympathy and friendship for all those who offered their lives for the preservation of the Union. He never failed to speak or vote for a proper recognition by the Government of the services of the veterans of the Civil War.

His eloquence, his energy, his personal magnetism, and honesty made him a leading and interesting figure upon this floor. To my mind, the most marked characteristic of this worthy man may be summed up in the simple expression, "He was an honest man." By honesty I mean more than a sense of obligation designated as commercial honor; I mean more than a mere sense of duty to obey law and to discharge legal obligations. That is superficial honesty; that is honesty which springs of policy, and may be forced by intellectual recognition of its advantages. Real honesty is a gift of God worked out in those infinite processes which compose the law of heredity, and under all circumstances, under all environments they will work out true results. BENJAMIN F. SHIVELY was a man of such honesty; a man inherently honest, as every man who knew him must testify to. In his public life no person would have dared by any form of allurements even in the remotest degree to attempt to influence him in the discharge of his public service.



He was called to the beyond in the prime of life, leaving many dear friends who were grieved by the loss of one of the best and most loyal friends, one of the most genial of our distinguished public men. He left to his family more than a princely fortune could bring, because he left behind what all right-thinking men must admit was a successful life, such as thousands of American boys compelled to rely upon their own resources can look to as a model and demonstrating the fact that fortune and business success are open to all in this our beloved America, and may be achieved without wronging a single soul.

Our hearts go out in sympathy to the immediate family and relatives of the late Senator. May the Lord be their comfort! It is but natural that they should feel the pangs of parting; yet there is solace in the knowledge that he was a child of God and that though he has passed out of view for a short time he still lives and is but waiting for his loved ones to rejoin him under more favorable conditions. Let us rejoice in the thought thus expressed by a poet:

There is no death! The heavens may fall,  
The flowers fade and pass away,  
They only wait through wintry hours  
The coming of the May.

There is no death! An angel form  
Walks o'er the earth with silent tread,  
He bears our best loved ones away,  
And then we call them "dead."

Born into that undying life,  
They leave us but to come again.  
With joy we welcome them the same,  
Except in sin and pain.

And ever near us, though unseen,  
The dear immortal spirits tread,  
For all the boundless universe  
Is life—there are no dead.

There is no greater tribute I can pay him than to remind those who loved him that he was an affectionate father, a devoted husband, a faithful friend, a fearless and conscientious public servant. In short, a remarkable national character and a good man.

Mr. WILLIAMS. Mr. President, for one reason, at any rate, I would prefer to have gone to that "bourn whence no traveler returns" before Senator SHIVELY went. I would have had a nobler eulogist in him than he has in me.

I shall speak to-day only of the salient and essentially chief character-making element that went to the make-up of the man.

This prevailing characteristic was utter personal unselfishness. He loved honor much, honors somewhat, money not at all. He dwelt, in thought, less upon his private affairs than upon the public business—the res publica, the Republic. It was his thought, his study, his conversation, almost his life. This unselfishness kept his purse empty, but it made his character noble, and kept him unstained in motive.

If he did not "love his enemies"—a hard saying of the gentle Nazarene—he at least loved his friends and served them better than he loved and served himself.

It was said of the French noblesse of the ancien régime that they had proved in a thousand ways and in a thousand places that they "knew how to die like gentlemen," but never that they "knew how to live like men." BEN SHIVELY proved that he knew how to do both—he did both.

From that part of the duration of things which we call Time, and in which we live here, many loving hands are extended unavailingly to him where he stands in that other part of it, known as Eternity—my own hand—I, sorrowing, among them.

Some day he and the other friends who have "crossed over the river" will beckon us over, and we, obeying their call, with vague dread of things unseen and therefore unknown, will go; and the handclaps will come, the spirit of them to endure forever.

Until then may the grace of God make us more like him in this—that we may be less selfish, live and think less self-centered, and be therefore better fitted to invoke, in a spirit resigned to life and death alike, the final blessing upon him of the Church Universal. Requiescat in pace.

Mr. KERN. Mr. President, it is greatly to be regretted that the distinguished Senator from Arizona [Mr. SMITH], who was to have delivered an address on this occasion, is by reason of ill health prevented from taking part in these exercises.

The bond of friendship which attached Senators SMITH and SHIVELY to each other was as strong as that which bound Damon to Pythias, or Jonathan to David. It had existed for more than a quarter of a century and increased in strength as the years passed by, so that when Senator SHIVELY died the grief of Senator SMITH was as if his own brother had passed

away. His regret at not being able to be here to-day, to pay a tribute of respect to the memory of his dead friend, is only equaled by that of his fellow Senators, who know of the intimate personal relations to which I have referred.

Mr. WATSON. Mr. President, I have not committed to paper any remarks for this occasion, because my observations will be personal rather than general.

The traits and characteristics of this noble son of Indiana have been so clearly set forth by those who have preceded me that but for the fact that I am his successor I should wholly refrain from speech on this occasion.

Mr. President, as the Senator from Missouri [Mr. STONE] so feelingly said but a few moments ago, "Senator SHIVELY is gone." We all realize the full significance of this fact. We know that our pleasing words do not reach his waiting ears; we know that he is as far beyond the reach of our short arms as are the stars that shine above us in the sky at night; we know that he sleeps now in the cold and narrow house, indifferent alike to the careless shallows and the tragic depths of human life; and therefore it is for the living and not the dead that these exercises are of surpassing moment.

At his bier all tongues were silent, save those of praise; all lips were mute, save those of love; that were sufficient eulogy for his gentle soul; and unless by reciting the traits of character he so splendidly exemplified and which we so highly praise wherever manifested, we ourselves are impressed with the necessity of embodying those same virtues in our lives and characters, then these exercises are but sounding brass and tinkling cymbal.

Born, as the senior Senator from Indiana [Mr. KERN] has said, in 1857, he was 8 years old at the close of the Civil War; hence the fierceness of that great strife must have impressed itself upon his plastic mind. I am led to this belief because Senator SHIVELY was a natural politician. He had great aptitude for the discussion of public questions and an uncommon desire to engage in public debate. This inclination was doubtless greatly increased by reason of the long struggle over reconstruction that followed the Civil War. His boyhood was lived in that atmosphere, and his young manhood was developed under these conditions. First in the common school, then in the college at Valparaiso, then as a school-teacher, and afterwards in the law school at Ann Arbor, he constantly developed the natural tendency of his mind for public debate, until even in those earlier days he became a master of forensic speech.

I well recall the first time I ever heard of him. I was in college, and it was in 1884. Maj. William H. Calkins was nominated that year by the Republican Party for the governorship of Indiana. Being at that time a Member of the other branch of Congress, his nomination created a vacancy. Mr. SHIVELY, then but 26 years of age, or only one year over the required constitutional limit, was nominated by the Democrats as their candidate in the succeeding contest. He conducted that campaign with such skill, such ability, and such assiduity and displayed such remarkable characteristics as a debater and a public speaker that he won in that memorable contest, although the district was normally Republican, and I can well remember that the victory achieved under those circumstances presaged the overthrow of the Republican Party at the final election.

He was reelected to the Fiftieth, Fifty-first, and Fifty-second Congresses; and although he entered that body at the age of 26, he took a leading part from the beginning, and an examination of the Record will disclose that Representative SHIVELY was prominent in all the debates relating to the protective tariff system and the Reed rules, which were then for the first time being practiced by the House. It was in this body that he made for himself a reputation as a tariff debater and a foremost champion of free trade, and I believe him to be the ablest exponent of that doctrine that Indiana has produced for many years.

In 1892 he declined a renomination, although unanimously tendered him, and, as he afterwards said to me, "because of the irksomeness of the task of being a Member of Congress" and "because it destroyed systematic reading," for if there was anything of which Senator SHIVELY was passionately fond it was systematic reading. He was by nature a scholar. He roamed at large in all the fields of literature; he plucked its choicest flowers, and in the ample recesses of his memory stored them away to bring them forth on future occasions to please and charm, for he was ever an omnivorous reader.

But his people were not content to permit him to remain in quietude, and in 1896 brought him forth to become the candidate of his party for the governorship of Indiana. Being myself in Congress at that time, I remember that I heard him with great interest in that campaign. He was a superb man physically,



with a splendid head, well poised on broad shoulders. He was blessed with a resonant and resounding voice, rich and mellifluous. He had an ample vocabulary not only of Anglo-Saxon words but also of Latin derivatives, and the cogency of his thought, clothed in beautiful language, made him a most formidable antagonist in any campaign.

I recall that in 1896, in advocating the free-silver doctrine of that year, he was, in my judgment, as Senator KERN has so well said, the foremost champion in the State of Indiana of that cause. He was defeated in that campaign, but defeat did not dishearten him. In fact, no contingency ever appalled him, for he was a man not only of titanic mold but of indomitable will, and I did not know him to be discouraged at any time, even in the midst of failing health and waning power.

In 1903 he was the caucus nominee of his party in the legislature for the United States senatorship, being pitted in that contest against Senator Albert J. Beveridge, then a candidate for reelection. In 1905 he was again the caucus nominee of the Democratic Party for the senatorship, that race being against Charles Warren Fairbanks, then a candidate for reelection. In both of these contests he was beaten, but his consent to become a candidate showed first his fealty to his party, and secondly, his willingness to sacrifice himself even in a fruitless contest.

In 1909 he was elected to the United States Senate. Of his service here you have already heard, and all of you are more familiar with it than am I, and of it I shall not speak.

My intimate acquaintance with Senator SHIVELY began when I was elected a member of the board of trustees of the State University of Indiana, of which body he was president for many years. For six years I retained membership, afterwards resigning because of the pressure of other duties, but in that six years I learned to know the man intimately, to take his intellectual and moral measure, to assess his real value, and it was at that time that I came to the conclusion that he was indeed a masterful man, intellectually and morally—a man of the loftiest ideals, a man of the purest life, a man of the finest and most enviable traits of character. I have known him on many an occasion to read through the night propped up in bed. He was a passionate lover of history and of fiction and of poetry, and many nights down in the university town of Bloomington I have sat with him and discussed all the questions that men discuss on occasions of that character. He was a most interesting conversationalist; he told a story well and liked one; and yet his conversation was not by any means of a frivolous nature, except on rare occasions when men drop into the frivolous naturally, but his talk was rather of politics and of political opinions and of the movement of nations and the true ideals of life.

The one thing which always impressed me as being Senator SHIVELY's dominant idea in the realm of politics was his firm belief in the equality of men. He never wavered in his adherence to the fundamental doctrine of the Declaration of Independence, that all men were created equal, and he was never so eloquent and never so powerful as when he was expounding that doctrine to the people or even to an individual. The finest speech I ever heard him make was on the occasion of the celebration of a great fraternal order. It was there that he connected in a marked manner the material interests of life with the sentiments that warm the heart and exalt the soul, and showed that the man, intellectually and morally, was a type of orator and of statesman that might well be envied by any man.

So he lived and so he died. On only one occasion, as I recall, was there any conversation between us about the future, but I remember that at one time, along about the midnight hour, while he was in waning health, he said to me, "What is the difference what becomes of any one man? We come here, play our little part on the stage, and pass away, and that is all." I said to him, "But is that all?" And I vividly remember that he turned to me and said, "Well, if I did not believe in a future, or, rather, in a continued existence, I should be of all men most miserable."

Thus he lived in that hope of another world, and he died in the belief of immortality; and well may we say on this occasion, my friends, that Senator SHIVELY's life was a model for any young man desiring to come into success in our American Republic, for the elements so mixed in him that all the world might stand up and say of him, "Intellectually and morally, this was a man."

The VICE PRESIDENT. Without objection, the resolutions heretofore presented by the Senator from Indiana will be unanimously adopted.

#### MEMORIAL ADDRESSES ON THE LATE SENATOR BURLEIGH.

Mr. JOHNSON of Maine. Mr. President, in pursuance of the notice heretofore given, I offer the resolutions which I send to the desk, and ask for their adoption.

The VICE PRESIDENT. The resolutions will be read.

The SECRETARY read the resolutions, as follows:

Senate resolution 365.

*Resolved*, That the Senate has heard with profound sorrow of the death of the Hon. EDWIN C. BURLEIGH, late a Senator from the State of Maine.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. JOHNSON of Maine. Mr. President, Hon. EDWIN CHICK BURLEIGH was born in Linneus, Me., November 27, 1843. His parents were Parker Prescott and Caroline Chick Burleigh. His grandfather, Moses Burleigh, moved from Sandwich, N. H., to Palermo, Me., in the early part of the nineteenth century, and in 1830, moved from Palermo to Linneus, Me. He was a prominent man in his section and a lieutenant colonel of the militia. In the War of 1812 he was captain of a militia company and represented his district in the Massachusetts general court and in the Maine legislature.

The father of Senator Burleigh, Parker Prescott Burleigh, was born at Palermo, May 16, 1812. He was a farmer and land surveyor, and held many town offices, was a member of the Maine House of Representatives for two terms and of the Maine Senate for four terms, and in 1868 was elected State land agent.

Edwin C. Burleigh was educated in the public schools and in Houlton Academy, where he took the college preparatory course but he early became interested in his father's calling of surveying, and instead of carrying out his purpose of entering college, he studied surveying, assisting himself while pursuing his studies by teaching school.

At the call for troops in 1861 he enlisted in the District of Columbia Cavalry, but was rejected by the examining surgeon, and entered the adjutant general's office at Augusta, Me., as a clerk, which position he filled until the close of the war. He then followed the occupation of land surveying, and in 1876, 1877, and 1878 was State land agent, and during the same years assistant clerk of the house of representatives. In 1880 he was appointed clerk in the State treasurer's office, elected State treasurer in 1885, and governor of his State in 1888, and re-elected in 1890.

He was elected to the Fifty-fifth Congress from the third Maine district, and was reelected to the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses. He was elected United States Senator by the Maine Legislature January 15, 1913, for the term beginning March 4, 1913, and died at Augusta, Me., June 16, 1916.

A mere recital of the many offices of trust held by Senator BURLEIGH proves conclusively that he held the entire confidence of the people of his State, and the record is in itself a sufficient tribute to his worth and the high character of his public service.

Mr. BURLEIGH was a man of great industry, who believed in the efficacy of hard work, and no one among the many illustrious men whom Maine has honored has accomplished more by wisely taking advantage of every opportunity presented for advancement, and every office that he filled he did so to the satisfaction of the people of his State.

No man knew the needs of his State better than he and no man gave more generously of his services and his abilities for her upbuilding. In the minor positions of trust which he held he was an industrious, efficient, trustworthy official, and won the commendation of all with whom he came in contact.

He had the faculty of making friends and attaching them to him with bonds so strong that they were securely held. His manner was most courteous and sympathetic, and no man ever enjoyed doing a kindness for another more than he or derived greater satisfaction from such acts.

As a result, at the very beginning of his public career he had loyal, earnest friends, whose attachment to him and interest in his advancement were remarkable. He had all the qualities of a good business man and was perfectly upright in all his transactions, and his word, when once given, could be absolutely relied upon. In his conduct of the offices of State treasurer and governor these same business qualifications displayed themselves and largely increased the regard which the people of his State had for him.

He was not gifted with extraordinary brilliancy nor possessed of genius, but he used faithfully, persistently, and honestly the



abilities with which he was endowed. His administration of the State as governor was marked by his careful attention to all details, and, as he was most democratic in his manner, approachable, and sympathetic, the people of Maine found in him a public servant whose doors were always open and to whom the most humble could apply.

Under his administration an attempt was made to remove the capital of the State from Augusta to Portland, which he strongly resisted with success. A large appropriation was made for the enlargement of the statehouse, and he was made the chairman of the commission which gave to Maine a finely equipped and commodious State capitol.

His attention was attracted to the needs of the militia of Maine; and he advocated and, by the influence of his great office, obtained the purchase of a permanent militia ground in the capital of the State, where the citizen soldiery could meet once a year.

He observed the needs of the State for larger accommodations for the unfortunate insane and strenuously advocated the building of another asylum for them in the eastern part of the State, and as a result of his efforts the Eastern Maine Hospital for the Insane, at Bangor, was established.

It had become apparent that there was a great discrepancy between the valuation of property in our State for the purposes of State taxation and the valuation placed upon it by agents of the Federal Government. He therefore advocated the creation of a valuation commission, which should study the question of valuation in the State of Maine, and strongly advocated the appointment of a board of State assessors, which should take under consideration values in the State and report to the State legislature the results of their investigation. He strongly advocated the passage of the Australian ballot system, although many in his party opposed it.

During his administration as governor, by his wise business administration, the public debt of Maine, which had borne interest at 6 per cent, was refunded at 3 per cent and a large saving made to the taxpayers of Maine. His mind was alert and filled with the sense of his obligation to the people who had intrusted him with the responsible position, and his conduct of the affairs of his State with which he, as the supreme executive of the State, was connected was entirely satisfactory to her citizens.

He was always a sincere friend to the old soldier, and under his administration as governor the appropriations of the State for their relief were increased to nearly twice their previous amount.

His administration of the various State offices to which he had been appointed and elected so inspired his people with confidence in his integrity and ability, and they had become so attached to his democratic manners and careful attention to their varying needs, that the people of his district, although ably represented in Congress, called for his candidacy for the nomination for Congress in 1892. He was defeated in this contest but gave loyal support to the nominee, Hon. Seth L. Milliken.

His loyal support of Mr. Milliken after this heated controversy won for him the commendation of the members of his party, and at Mr. Milliken's death, in 1897, he was nominated and elected as his successor. He was now chosen to represent the district so singularly represented by Mr. Blaine for many years, the old third Maine district. He had won his way by hard work, loyal support of its friends, and a clean public record.

He came to Washington a man but little past middle life, of splendid physique, and unlimited capacity for work. He was not an orator, but he gave his great energy and his unlimited capacity for work to the service of his constituents. Maine had had many brilliant men to serve her in the Halls of Congress, but never one who surpassed Senator BURELIGH in his capacity for work and in his desire to serve the humblest of his constituents.

I think he gained greater satisfaction from being of service to one of his constituents than the recipient ever experienced in the enjoyment of what was obtained for him. He assiduously cultivated his acquaintance with all of his constituents and encouraged their frequent communication with him. As a result he had most firmly the attachment of all the members of his party in his district, and by his broad generosity he had attached to himself the support of many of his opponents.

And thus, through a long congressional career, which began in 1897 and did not end until the close of the Sixty-first Congress, on March 4, 1911, he held the people of his district in most loyal support, not by the brilliancy of his career, but by his honest, earnest, and sincere attachment to their interests.

In 1910 he suffered the first defeat he ever experienced at the polls; but it came when his party in Maine met, the first time

since 1880, a defeat in their State election. The result was not a defeat of himself individually, but it was a defeat of the whole party; and as a loyal member of it he went down with it. None of his friends, and very few of his opponents, expected his defeat; but under the form of ballot which Maine had adopted, party defeat meant individual defeat.

He had to such a degree won the confidence of his party in the State that when it became necessary to nominate in the State-wide primary for the first time a candidate for the United States Senate, in 1912, he won easily in the contest, although opposed by men of great attainments; one of them an ex-justice of the supreme court of his State and the other a lawyer whose great ability as an eloquent advocate and also as a man of broad sympathies and the highest intellectual development had marked him as one of the leaders of thought and directors of public opinion in the State.

Having won his nomination for the Senate, he entered with his usual vigor upon the conduct of his campaign, directing his efforts to carrying the close congressional districts of his State. He was successful; and although the legislature which was elected was, in its political complexion, the closest in the history of the State, he won the election to a seat in this body by the narrow margin of one vote.

The energy and persistency with which he conducted his candidacy for his election have never been equaled in a political contest in the State, and without the supreme loyalty of most sincere friends, he could not have been elected.

He came to the Senate a sick man. The great contest through which he had passed had paralyzed his magnificent bodily energies, for he had given to his candidacy the best that was in him, and nature must have her way. Of this he had thought little, because in his splendid equipment he had known nothing of disease or of sickness. Work had been his pastime; success had been his reward.

I saw him when he came to take his oath of office in 1913. My acquaintance with him had been limited, although my home from birth had been only 20 miles from the capital where he had long resided, but I had been a lawyer, devoted to my profession, and of another political faith. Consequently we had not been brought in contact with each other, but I saw him close to when he had come with his devoted wife and daughters, who so affectionately followed his footsteps, to take upon himself his oath of office in this Chamber.

I gladly went to him when I learned of his presence in this city, and found him in intense suffering. He had come here feeling that he must be present to have the oath of office administered to him at the commencement of his term on March 4, 1913, and had arranged to submit to a surgical operation as soon as he had received his oath.

My first acquaintance began with him then, when he lay upon his bed of sickness, but the first hand grasp between us disclosed that we had an intimate bond of connection. I admired his courage, his high sense of public duty, and his determination in spite of physical disease to discharge the duties which he believed he had assumed. I attempted to make easy for him the assumption of these duties, and I never received greater satisfaction in my public life than I did from his sincere acknowledgment of his gratification at what he termed my courtesy.

He went from the Senate Chamber, after taking his oath, to a bed of sickness and pain and hovered between life and death for several weeks, cared for by his devoted and loving wife. I heard from him often, and when he rallied and was able to leave the hospital where he had been treated the people of my State rejoiced that one who had served them so faithfully and long had been restored to their service.

He came back to assume his duties here, but disease and inexorable fate had placed their stamp upon him. With indomitable courage and a high sense of duty he attempted to discharge what his conscientious regard for service had always taught him, that there should be a return for what was rendered him. I grew to have a most affectionate regard for him as I observed his fine traits of character, the breadth of his mind, and his consideration for others, including myself.

His service here was too short for Senators to learn his lovable disposition, his ability for public service, and his loyal devotion to the interests of his country. Fate had made me his senior in this Chamber although I was inexperienced as compared with his larger participation in public affairs, but he most readily accorded me full support in all measures which concerned our State.

That energy and physical health which had enabled him to be of such important service to his State while a Member of the lower House of Congress, had failed him, but his desire to be of service, his loyalty to his State, and his interest in the wel-



fare of both State and Nation, were still the guiding, controlling influences of his life.

Thus I saw him and grew to love him and I believe that my affection was reciprocated. I come now to pay the honest tribute of a sincere friend who has had an opportunity to see the inner life of a conscientious public servant.

No tribute to Senator BURLEIGH would be complete without mentioning that supreme test of a man's life—the verdict rendered upon him in his home, and among those bound to him by ties of blood. He was most fortunate in having chosen as his companion for life a woman of remarkable energy, strength of character, and traits which go to make up the wife and mother. In her, nature had joined all these, and she was to him a helpmeet indeed.

Her great intellectual ability supplemented his, and together they fought the battle of life on fully equal terms, and if ever man had reason to thank heaven for having blessed him with a loyal wife, Senator BURLEIGH was under that obligation.

She entered with him into all his political contests and with the acumen of a woman's judgment, weighed every political exigency. She was a true wife. Her heart was with her husband and with him it went with a loyal, loving devotion that sustained and strengthened him in every contest. She was of the best type of our New England women, reliant, strong, trustworthy, and loyal, and to a great measure his success was due to her ennobling influence.

The sons and daughters who grew up about them were splendid examples of New England's civilization. It has been my good fortune to know them all and to know that the heritage that they received from an honorable father and a loving mother has been most meritoriously preserved.

Senator BURLEIGH had achieved success in the political arena and in business life as well. He bore upon himself the honors of an old State, conservative in her grants of favor. About him he had gathered, by his industry and his business sagacity the fruits from a long life with troops of friends, the loving, affectionate services of a dear companion, and the most filial regard of sons and daughters, whose children looked to him for endearing phrase and were ever the subject of his tender solicitation. Life had brought him in abundance of her treasures, and when he seemed most ready to enjoy them the inexorable call of fate called him, as it will each of us, to sever every tie.

The wife who had been the companion at his side, who had planned with him, who had rejoiced with him at his successes, and who at his defeat had soothed him with her assurances of a deep regard was called from his side, and when that summons came I knew the end was not far off for him, because nature had so linked their lives together that one could not long survive the other.

He did not long survive her death, but dwelling in the gloom with gathering darkness over him death came to him on June 16, 1916, but a short time after that of his wife. We laid him at rest in the capital of our State, where he had so many friends, beside her broad, rolling Kennebec, in the city he loved, and near the capitol, the scene of so many political contests in which he was concerned. There came to mourn his loss not only the high and influential but I marked those of lowly position and reverent mien, who came to show their devotion and to express their loss.

His was a grand character, not because it rose in mountain peaks, upon which the eye rested, but rather because it was that of the undulating plain, steadfast and serene. He satisfied most because on the plain most dwell; on the mountain peak the idealist's vision rests. He was for the practical, the everyday, which brings into common life something that touches neighbor and friend and as such he bore an abundant harvest.

Maine has had men of genius showered in great abundance upon her but never one who brought more of the sunlight into the home of the common, every day citizen and was more a friend to him in want, or did more to meet the demands upon him as friend, neighbor, and constituent, than Senator BURLEIGH.

In his long life, devoted to the public service, beginning with the boy of 18 years of age, to the close of his service as United States Senator in the 73d year of his life, through all the various offices of trust to which he had been elected and in which he had so faithfully served the people of his State, not one stain remains upon that official record. It is clean and does not now, and never will, need a defender.

Mr. GALLINGER. Mr. President, EDWIN CHICK BURLEIGH was my friend, and I loved him as a brother. He was a man of acknowledged ability, of the highest order of integrity, and the personification of kindness and courtesy. He was one of the most delightful of companions, and a man who could be re-

lled upon at all times to do the just and honorable thing. My attachment to him was so deep and sincere that his death came to me in the nature of a personal bereavement. In thinking of him and his rare qualities the lines of James Whitcomb Riley are recalled, as they illustrate the feeling I had toward him:

And so it is you cheer me,  
My old friend,  
For to know you and be near you,  
My old friend,  
Makes my hope of clearer light,  
And my faith of surer sight,  
And my soul a purer white,  
My old friend.

Mr. BURLEIGH had made a great reputation in his State before engaging in the public service. He was a business man of large activities, owner and editor of an influential newspaper, and governor of his State for three years. In every position to which he was called he discharged his duties with rare fidelity, becoming one of the most popular and influential men in the State of Maine.

Mr. BURLEIGH entered the National House of Representatives in the Fifty-fifth Congress, having been chosen at a special election held June 21, 1897, to fill the vacancy caused by the death of Hon. Seth C. Milliken, and he immediately was recognized by his associates as a strong and useful member of that body.

His first speech in the House was a eulogy on the life and character of Mr. Milliken, his predecessor. In that eulogy Mr. BURLEIGH said:

I am fully conscious of the inadequacy of mere words, in time of deep bereavement, to voice the sentiments of the heart and speak the language of sorrow.

And in those few words Mr. BURLEIGH expressed the feelings that those of us who knew him well feel to-day.

Mr. BURLEIGH was an engaging speaker, quick in repartee, but he was a man—

Whose wit in the combat, as gentle as bright,  
Ne'er carried a heart-stain away on its blade.

His eulogy on Mr. Milliken closed with this quotation:

THE DEATH CHANGE COMES.

Death is another life. We bow our heads  
At going out, we think, and enter straight  
Another golden chamber of the King's,  
Larger than this we leave, and lovelier.  
And then in shadowy glimpses, disconnected,  
The story, flowerlike, closes thus its leaves.  
The will of God is all in all. He makes,  
Destroys, remakes, for His own pleasure all.

On June 15, 1898, Mr. BURLEIGH made a strong speech in favor of the annexation of the Hawaiian Islands, saying that "Such a move will establish an ocean fortress for the protection of the great and growing interests of our Pacific coast, and bring nothing but benefits to the American people."

January 5, 1901, Mr. BURLEIGH made a notable speech on the apportionment bill then pending, in which he advocated an adequate representation "to keep pace in some degree with the growth of the country in population and material resources."

After being in the House of Representatives for about 13 years Mr. BURLEIGH became a Member of the Senate on March 4, 1913, and after a service covering a period of a little over three years he died June 16, 1916. He served on important committees, and notwithstanding his health was greatly impaired during his entire service in the Senate he was faithful in committee work and attentive to his duties on the floor. He was a favorite on both sides of the Chamber, his affability and kindness of heart gaining him the good will and friendly regard of all with whom he came in contact.

Mr. President, if it be true that the tomb is but the gateway to an eternity of opportunity, we can well believe that our friend, the late Senator from Maine, freed from the shackles that beset us in this life, with greater opportunities and an enlarged vision is still engaged in shedding light and happiness upon those around him. He acted well his part in life, and is doubtless receiving the reward that comes to those who deserve the appellation of "Well done, good and faithful servant." Of him it may well be said, in the words of a Massachusetts poet:

So when a great man dies,  
For years beyond our ken,  
The light he leaves behind him lies  
Upon the paths of men.

Senator BURLEIGH is gone, but the memory of his good deeds should be an inspiration and a help to those of us who are left behind. Let us emulate his virtues, and endeavor to meet all the vicissitudes of life with the same philosophical calmness and lofty purposes which characterized our late associate and friend.

Mr. JONES. Mr. President, I come to pay a simple, heartfelt tribute to my friend, whose memory is an inspiration and a benediction to me. The world may have forgotten him. It



soon forgets if it ever remembers us. It keeps in mind only those great figures which spring from some great cataclysm or epoch-making event and tower above the landscape of the world's progress with centuries rolling between. This, however, will not discourage anyone who looks upon life from the viewpoint of humanity. We may not command the world's attention through the centuries, but we can live in grateful remembrance in some human heart long after our bodies are dust and our spirits have passed to the great beyond.

There are events in our lives that make lasting impress upon mind and heart. Their memory lasts through the years and become sweeter as the days go by. They may seem small in themselves and yet be priceless in their effects. They make us better men and life more worth living.

My public service began with the Fifty-sixth Congress. It was my good fortune to draw a seat next to EDWIN C. BURLEIGH. He sat on my left. I do not remember who sat on my right.

I was a stranger and a new Member in one of the branches of the greatest lawmaking body in the world. I may have attached too much importance to my presence in that body. I was soon made to feel that there were others there who knew something and felt their responsibility. Mr. BURLEIGH had served in the preceding Congress. He no doubt knew my feelings, but not by word or act did he make me feel this. He was so kind, so considerate, and so sympathetic that he won my high regard and lasting gratitude. I trusted him unconsciously. I came to him freely and naturally for advice and help. He was so tactful and so kind and so helpful that I was saved from many a humiliation. I did not see it then, but I saw it afterwards, and this fact makes his memory more precious to me. He did not treat me differently from others; this was his character. He did these kind and gentle things without apparent thought, and yet he was so tactful in it all that one knew the hand was directing the heart in a sincere and unselfish way that he might be most helpful without being obtrusive.

He was not a showy Member of Congress, but he was a faithful and efficient Representative of his people. Their interests were his interests, and he looked after them to the minutest detail. While others were speaking to but little purpose except to attract attention, he was doing things. While others were entertaining the galleries with fulsome platitudes, he was doing things for his constituents by his work before committees and by following up and pressing the matters of interest to them in a quiet, persistent, and effective way. He measured his success by the results and not by his oratory.

One instance of his quiet but effective work comes to mind. After the census of 1900, congressional apportionment and representation came up in the House. It was proposed to reduce the membership of the House. This plan would have reduced Maine's representation. Mr. BURLEIGH took the lead in the quiet, effective, organized opposition to this measure. It was defeated, and Mr. BURLEIGH was more responsible for its defeat than anyone else.

Mr. President, this is but a feeble and imperfect tribute to a very dear friend. The orator may be reasonably well satisfied with his rounded sentences, well-chosen words, and fitting climaxes upon some lofty theme, but words fail, they are empty things, when one attempts to pay fitting tribute to a dear friend. This is my feeling now. EDWIN C. BURLEIGH was my dear and good friend. He was a faithful representative, a loyal, tactful friend, a real, kindly gentleman, and a genuine true man. The world is better for his life, and there are many to whom his memory is and will continue to be an inspiration and a benediction.

Mr. FERNALD. Mr. President, the kindly, generous tribute which has just been paid to Senator BURLEIGH by my distinguished colleague, is, I am pleased to believe, characteristic of American politics.

In life we struggle for the principles we cherish, urged on by the incentive of ambition; but when death claims one of our number we bow to the inevitable and together mourn the loss.

Nothing can be added to the biographical sketch of EDWIN C. BURLEIGH so eloquently spoken by my colleague. Born almost in a wilderness, far from city or town, he labored on a farm as other boys have done, but with a determination to become useful. He endured much to gain an education and to qualify himself for those positions of honor which he was to hold in after life.

To achieve success is the duty of every man and woman in America, and the accomplishment of it possible to all who are willing to pay the price in patience, perseverance, temperance, economy, hard work, and faith in the future. Senator BURLEIGH possessed all these virtues, and having a splendid physique was able to accomplish much which would have been impossible to one of less sturdy frame.

Mr. BURLEIGH was successful in all his undertakings as a business man; his splendid judgment, his careful attention to every detail, his rugged honesty, his unflinching loyalty made him the trusted leader of the pioneers who in his early years were beginning to develop the marvelous resources of the great county of Aroostook, where he was born. And that confidence placed in him by his early companions was never shaken.

No man stood higher in the esteem of his associates than did EDWIN C. BURLEIGH. From his early advent into public life he manifested that same interest in State and national affairs that had made him so successful in all his business activities. The same love of truth; the same unswerving loyalty; the same fidelity to his constituents was ever present and paramount during his entire public service. Senator BURLEIGH could always be depended upon to do his full duty and do it well. His conscience was ever his guide, and to do right his great ambition.

As treasurer of our State, Mr. BURLEIGH was a careful, painstaking, and trusty official; and the books of the department during his term of office are models of neatness and accuracy.

As governor of our State he was admired not only for his great ability as an executive—and his administration will go down in history as one of the best our good State of Maine has ever had—but also for his simple, democratic manner and his fair and courteous attitude toward all opponents.

As United States Senator, he was privileged to serve only a brief period, but in that time he commanded the respect of all his associates and filled the office to a fullness which might have been expected of one who had served so faithfully in other official capacities.

But the phase of Senator BURLEIGH's character which appealed most strongly to those who knew him best was his love of home, and the reflection of his domestic life shone through his public career, as a close bond existed between the official and domestic atmosphere. The constant companionship of Mr. and Mrs. BURLEIGH was a charming picture, as she accompanied him in all his hardest campaigns; and his children were consulted and advised with on matters of interest. It has been affectionately said of him that his family constituted his cabinet.

Senator BURLEIGH's death is sincerely mourned, and to those who knew him best his memory will be cherished as a loyal and delightful friend, a congenial associate, and a patriotic and devoted servant of the people.

In this world of contrasts—tempest and sunshine, pain and pleasure—we know that—

Every joy must have its sorrow,  
Every pleasure brings its pain;  
To-day is bright with sunshine,  
To-morrow weeps its rain.

To-day a smile is playing  
On the lip and in the eye;  
To-morrow tears are falling  
And the fount of mirth is dry.

The calm succeeds the tempest,  
As the light the darksome hours;  
On the rough and thorny bramble  
Bloom the sweetly perfumed flowers.

Life springs from death's cold ashes,  
And in death life's lamp grows dim;  
In Eden perfect bliss is found,  
And from Eden cometh sin.

And thus in contrast ever  
Light and shadow strangely blend,  
To fit and discipline us  
For life's highest, noblest ends.

Mr. ROBINSON. Mr. President, as a further mark of respect to the memory of the deceased Senators I move that the Senate do now adjourn until 10.30 o'clock to-morrow morning.

The motion was unanimously agreed to; and (at 1 o'clock and 35 minutes p. m., Sunday, February 18, 1917) the Senate adjourned until to-morrow, Monday, February 19, 1917, at 10.30 a. m.

## HOUSE OF REPRESENTATIVES.

SUNDAY, February 18, 1917.

The House met at 12 o'clock noon and was called to order by Mr. JACOWAY as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father-Soul, Thy blessing be upon us to fit us for the sacred duty of the hour, a time-honored custom, a precious memorial dear to our hearts. Two great men, public servants, Senators of the United States, have been called from labor to refreshment, from earth to heaven. Ours the loss, theirs the gain; ours the sorrow, theirs the joy; ours the hope, theirs the reality; ours the struggle, theirs the victory. May the unbroken continuity of life which has come down to us out



of the past, sung by poets, taught by sages, prophets, and seers, reenforced by the glorious resurrection of Jesus of Nazareth, comfort those who knew and admired them and solace those who were bound to them by the ties of love and kinship; that the heart may cease to ache and tears to flow.

Be still, sad heart! and cease repining;  
Behind the clouds is the sun still shining;  
Thy fate is the common fate of all,  
Into each life some rain must fall,  
Some days must be dark and dreary.

So teach us to wait with patience till the veil shall be rent asunder and Thy ways be made plain; and we will ascribe all praise to Thee now and evermore. Amen.

#### THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

#### THE LATE SENATOR CLARKE, OF ARKANSAS.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. OLDFIELD, by unanimous consent,

*Ordered*, That Sunday, February 18, 1917, be set apart for addresses upon the life, character, and public services of Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas.

Mr. OLDFIELD. Mr. Speaker, I move the adoption of the resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Arkansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 512.

*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas.

*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. OLDFIELD. Mr. Speaker, we have, according to a beautiful custom, met this Sabbath Day for the purpose of paying tribute to a collaborer and friend, the Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas.

Senator CLARKE was born in Yazoo City, Miss., August 18, 1854, and died after a brief illness at his home in Little Rock on October 1, 1916. Senator CLARKE received his literary education in the schools of Mississippi and studied law at the University of Virginia, graduating from that institution in 1878. He moved to Arkansas and began the practice of law in 1879. Hence, at Helena, Ark., in 1879, began a most active and conspicuous career. Almost from the beginning he was appraised one of the foremost lawyers in his part of the State, and, while he divided his time between politics and the law from the beginning, yet he excelled in both fields. There was not a time during his illustrious career that he could not have made many times the salary of any office he held if he had given his whole time to the practice of his profession. And he ran the gamut of politics from the office of representative in the State legislature to three times a Senator of the United States. He was elected to the house of representatives of the State legislature in 1886; a member of the State senate in 1888, serving until 1892. He was elected president of the senate in 1891 and ex-officio lieutenant governor; elected attorney general in 1892, declined a re-nomination, and was elected governor in 1894; he declined a re-nomination for governor in 1896, preferring to return to his lucrative law practice; he was elected to the United States Senate in 1903 and twice reelected to this high office, and was elected President pro tempore of the Senate in the Sixty-third Congress and reelected at the beginning of the Sixty-fourth Congress, which position he held at the time of his death.

Mr. Speaker, I remember quite well the first time I ever saw Senator CLARKE. It was in my home town in 1894, when he was making his first campaign for governor. He was a young man then, only 40 years old. He was certainly a fine specimen of young manhood. Tall, erect, and slender, with perfectly white hair and flashing eyes, he walked up and down the streets calling upon and shaking hands with the voters. Needless to say that he made a favorable impression in that campaign and

was elected governor of the State. From that time on I gladly gave him my support in his succeeding campaigns. We were always personal and political friends.

Of course, Senator CLARKE could not keep up his law practice after coming to the Senate, yet he was looked upon as one of the best lawyers of our State, and a wise counselor, and during the interims of Congress earned a great many splendid fees as a lawyer. Mr. Speaker, very few men have been developed in our public life who could divide their time between politics and the law and at the same time stand at the head in both fields as Senator CLARKE so successfully did. At the time of his death there can be no question that he stood in the very front rank among the lawyers of his State, and there can be no question that he stood in the front rank as a lawyer among the great lawyers of the United States Senate.

Senator CLARKE was a man of very simple tastes, true and loyal to his friends, and preferred not to have anything whatever to do with his enemies. I have never known a man in public life who could draw a man to him more strongly than Senator CLARKE if he desired to do so. He was one of the most distinguished-looking men I have ever known, and his mind sparkled and scintillated like a diamond. Brave, honest, and courageous under any and all circumstances, I never knew him to falter when he had a duty to perform.

Mr. Speaker, Senator CLARKE was no ordinary man; he was a man of great force of character, and brooked no opposition. Neither wealth, power, nor influence could persuade or deter him from the course which he had previously mapped out. He was independent in thought and action, and came nearer doing just as he pleased under any and all circumstances regarding public questions than any man I have ever known in public life. He was always an active man, both in mind and body, and was stricken of a fatal illness during the latter part of September, 1916, while at work in his office. Hence it may be truly said that he died in the harness.

Mr. Speaker, the people of Arkansas whom he represented so long and so ably in the United States Senate appreciated his great services to the State and the Nation, as has been recently attested.

The State legislature, now in session, within the past few days has passed proper resolutions providing for placing his statue in Statuary Hall in this building.

Senator CLARKE, possessing a great intellect and possessed of strong will power and determination, made our Republic greater than it had been before, for it is by the lives of such men that States and Nations grow strong and great. The poet has expressed this thought most beautifully in the following lines:

What builds a nation's pillars high,  
What makes it great and strong?  
What makes it mighty to defy  
The foes that 'round it throng?

Not gold, but only men can make  
A nation great and strong;  
Men, who for truth and honor's sake,  
Hold still and suffer long.

Brave men who work while others sleep,  
Who dare when others sigh;  
They build a nation's pillars deep  
And lift it to the sky.

Mr. TAYLOR of Arkansas. Mr. Speaker, the formal eulogy seems most unsatisfying and insufficient where the stroke of death has fallen and where a gap in life has been made. It is with profound misgivings that I undertake to make a fitting tribute to the character, achievements, and genius of the illustrious lawyer and statesman in whose memory these services are held.

Senator JAMES P. CLARKE was born in Mississippi in 1854. In 1879 he came to Arkansas. He seemed to like politics. In 1886 he was elected to the Legislature of Arkansas. In 1888 he was elected to the State senate. In 1891 and in 1892 he was president of the senate.

In 1892 he was the Democratic nominee for attorney general, and was elected. He served as attorney general in 1893 and 1894. In 1894 he was the Democratic nominee for governor, and was elected by a handsome majority. He served Arkansas as governor with distinction and with great credit to the State. In 1902 he was elected to the United States Senate, and again in 1909. He was reelected in 1914, and was serving his third term at the time of his death. During his last term he served as a member of three of the most important committees, namely, chairman of the Committee on Commerce, also a member of the Foreign Relations and Military Affairs Committees.

I have had a personal acquaintance with Senator CLARKE for about 30 years. Soon after this acquaintance began he became



to me a study. Indeed he was *sui generis*—in fact, unlike anyone else that I ever knew. I had great respect for his abilities. He was proud, and he liked a proud, courageous man, although he might have been his political or personal enemy. Respecting himself he expected to receive the respect of other men; and he was not disappointed. When he made up his mind upon any public question he stood by his convictions; in other words, when he set his hand to the plow he never turned back.

His death was a sad one. While in his law office at Little Rock alone he was stricken. It is said that somehow he reached the phone, called up his home, and asked for his son James to come after him with the car. Apoplexy was the cause of his death, his physicians say.

Senator CLARKE stood among the foremost of the great lawyers of his time. A great lawyer is naturally a successful and constructive statesman. The history of the legislation of the world exemplifies this, and it should occasion no surprise that the Senator's eminence as a lawyer signalized his work as a legislator.

The people of his State looked upon him as one of America's greatest statesmen. In politics those who admired his exceptional abilities and his stern unswerving character always stood by him with the greatest fidelity. They believed him capable in any position; they admired his lofty bearing, although now and then, finding fault with him, they did not desert him. Strange to say, he had among his supporters those who were not personally attached to him—these voted for and sustained him because they believed him a wise statesman.

Senator CLARKE and myself were always personal friends, but I did not support him in all of his political ambitions. When he defeated Senator Jones I was not his supporter, and he knew it. We talked about it, and on one occasion he said: "TAYLOR, I know you are for Senator Jones. I know of your friendship and admiration for him, and I do not blame you for not supporting me." The last time I ever saw the Senator was in Statuary Hall in this Capitol. There we met accidentally and conversed about certain legislation that was then pending before the Rivers and Harbors Committee. He appeared in fine health, and I believe I never saw him in a more delightful mood.

Mr. Speaker, I try to speak truly touching the life, character, and public services of Senator CLARKE as I understood him and know about him.

Mr. CLARKE became a power in the State when he was elected governor. Prior to this he was attorney general and member of the State legislature, as I have stated—positions which gave him access to the opinions of all the conflicting interests of the State and into whose citadels he was welcomed and flattered. Each contending interest looked upon him as a man of lofty and independent convictions, despising cowardice and trimming, yet fully imbued with ambition and desirous of becoming not only a great man, but the greatest man of the State. It is said of Cicero that he was so nervously sensitive to the fluctuations of public opinion that he could not decide between Pompey and the aristocracy on the one hand and Cæsar and the new democracy on the other.

This can not be said of Senator CLARKE. He cared nothing for the fluctuations of public opinion as presented in the gossip of newsmongers or placarded by speech on the public rostrum. He desired the good opinions of the public, but refused to bend his convictions to their notions—to the passions of those who might judge without knowledge and condemn without reason. He really wanted a constituency that would stand behind him like a stone wall, and therefore never modified his course so as to follow his backers—they were to follow him, although it was hard for his followers at times to see the wisdom of his leadership.

In his race for the Senate of the United States he was pitted against one of the best-loved and one of the most powerful men of the State, as well as one of the most powerful Members of the United States Senate. Senator James K. Jones must always be classed as one of the leading great men of Arkansas. To beat such a man in the zenith of his popularity and power indicated that for the time being Senator CLARKE had gained a great popular following, and was on the billows of popular esteem and affection.

It may well be said that Gov. CLARKE at this time was at the height of his fame in Arkansas and just beginning to ascend the heights of national fame at Washington. He was not an orator but a rapid-fire speaker of the Gatling-gun order. He knew his facts and was a master of arrangement; he studied carefully all the great decisions of the Supreme Court of the United States and relied upon them to carry him through the emergencies of debate. No man on the floor of the Senate had hardly an equal power with him in brushing aside the little

things and seizing the great and essential things. He had a logical mind and used it in making friends of those whose minds ran in the same logical groove. Politically he was a Democrat, but at times strained the definition of the word to a near breaking point. Self-willed to the extreme, he also ran perilously near to injustice in his treatment of his opponents. He seemed to think that he had climbed aloft without the help of certain of his fellows, and that from his high position he could afford to be nonaffable. In the quiet of his office, I am told, he lamented this characteristic of his temperament and attributed it to some physical affliction rather than the lordly bent of mind that, soaring aloft, brooks no contradiction and spurns all advice.

He was a close critic of himself and never favored himself in these moods of self-investigation. He was genuinely sorry for his want of power to properly relate the little things of life, but no man can have all things at once. Senator CLARKE became a great Senator. It is extremely doubtful, however, if he would have ever become so great had his mind been compelled to connote little things or to give them the value they really deserved. He ignored the claims of extreme politeness and fellowship, and set his mind inflexibly on a higher end—an end which he invariably attained. He was a good reasoner and in this regard was seldom excelled by an adversary. In intensity, fiery earnestness, and rapid-fire delivery he led, and seemingly was the only Senator of whom many of his colleagues appeared genuinely afraid.

He reached the highest empyrean of successful senatorial life, died a leading statesman, and was one of the most brilliant and accomplished politicians of his State. In his senatorial life of 14 years he had a very conspicuous share in shaping the legislation of the Republic. As a public man his career was brilliant, and he died as he had lived, unafraid, uncompromising, stalwart, majestic, and masterful.

Mr. CARAWAY. Mr. Speaker, the custom of paying tribute to the dead is as old as recorded history. All nations have observed it. In this we but give expression to that longing after life eternal and that hope and that desire for immortality. In these tributes, whether in spoken words or chiseled stone, we express but the hope that beyond the grave is life, and that those we honor here there live again amid fields elysian, and because we hold that hope we pay homage to those who have gone a little while before. On this Sabbath day in this famous Chamber of the House of Representatives, in the city of the Nation, we now pay a national tribute to the memory of the late Senator JAMES P. CLARKE, of Arkansas. When I say we pay a national tribute, I speak advisedly, for in truth Senator CLARKE was a national character. He thought for the Nation and labored for humanity everywhere. In no sense was he sectional nor circumscribed by the boundaries of that State which honored itself in honoring him. He planned for a Nation and labored for a Nation as wide as the boundaries over which floats the flag of that Nation. He sought no advantage for his own State that he did not demand for that of every other State and for all our people. His allegiance was to the Nation as a whole. In many respects Senator CLARKE was the most remarkable man who has sat in the Senate of these United States in the lifetime of any now living. Tall and straight in form, direct and clear in speech, he impressed all who knew him or heard him with the honesty of his purpose and the courage of his convictions. Neither friend nor foe was left in doubt of his position on any question touching the Nation's welfare. As he sat day by day at his desk in the Senate Chamber, his erect figure, white hair, and strong and striking features, and the dignity of his deportment proclaimed him the Senator ideal. Even the casual observer marked him and instantly and instinctively paid him homage. He ruled the Senate as he did all other bodies of men among whom he sat not by the arts of the politician but by the uprightness of his motives and the greatness of intelligence. Almost upon his first entrance into the Senate he became a member of the steering committee of that body, which has much to do with determining what legislation should be considered. When the Democratic Party came into control he was elected President pro tempore, and was serving in that station at the time of his death. He was one of the greatest parliamentarians in the Senate, and he impressed all with his fairness and profound knowledge of the rules governing that body. He knew neither friend nor foe, section nor party as presiding officer.

He scorned to win favor or preferment by fawning or by appealing to base and mean sentiments.

Of his life and achievements I shall speak but briefly. I shall leave those for defter hands and more gifted tongues, for those who have known him longer and known him better. The barest sketch must suffice my purpose.



JAMES P. CLARKE was born in Yazoo City, Miss., in 1854. His parents were poor, but of character and standing. He received a liberal education and took his professional training, that of the law, at the University of Virginia, where he graduated with honor. Immediately after his graduation he located at Helena, Ark., where he literally sprang into honorable place and position. Soon after he located here he married the charming daughter of an old and distinguished family. He served in both branches of the State legislature and rose to the position of presiding officer in the senate. Thence he was elected attorney general of the State, and from that office became governor. In all these positions he shed honor on the citizenship of the State and served well their best interests.

In his first race for the United States Senate he was defeated, but his defeat left no scars, and in 1902, in a State-wide preferential primary, he was chosen, succeeding that great and much-beloved Senator, James K. Jones. At the expiration of his first term in the Senate he was reelected without opposition, and was again elected for a third term, of which he had served a little less than two years when the summons came.

From the day he first took his seat as a Senator until his task was done his was the dominating influence in that august body. No legislation of national importance that did not take shape and form from his masterful touch, whether it were tracing the course for the uniting of the turbulent Atlantic to the sun-kissed Pacific by the Panama Canal, or the framing of a constitution and a code for the government and civilization of the peoples of the far-away Philippine Islands, his was the fecund brain in which was builded the finished plan. For more than half a century the American people demanded, but demanded in vain, the right to elect their Senators by direct vote of the people. With a stroke of the pen, as it were, he made that an accomplished fact. Wherever men strove for human rights and human needs cried out for leadership and help wise men turned to him and turned not in vain. The merest recital of his achievements would require more time than is allotted to me, and I need not enumerate them here; they are writ large in the annals of his country's fame.

Of him personally I shall speak even more briefly.

To a friend he always bent a listening ear; to a foe he presented an unyielding front. Strong and just men loved him and followed him; weak and corrupt ones feared and shunned him. About him ever swirled the turmoil of battle. He feared neither criticism nor defeat; dishonor and cowardice he never knew. Whenever his country needed a champion it found one in him, and with him as champion the weak became strong and the hopeless took heart again.

Death came to him as he would have wished it should come, while yet his faculties were undimmed, but after his aspirations had been achieved and his ambitions had been gratified. It came not in lingering pain nor yet so suddenly that farewells were left unsaid. In his own home, with hands clasped in hands of children and soothed by the ministrations of his noble wife, he fell asleep—

Like one who wraps the drapery of his couch about him and lies down to pleasant dreams.

Beyond love or hate, praise or blame, in the city that he loved, literally buried beneath a mass of fragrant flowers laid above him by loving hands, we left him to slumber until—

Time shall be no more, and the sea shall give up its dead.

But, oh—

How many a loving one's blessing went  
With thee beneath the low green tent  
Whose curtain never outward swings.

Nothing we may say here to-day can enhance his fame. His character and his deeds are his fairest epitaph. We seek not in these exercises to add to his virtues, but in praising them to renew our own.

Like a garland of fair flowers we lay a nation's tribute this day upon his tomb. His life is ended, his career finished, but his memory is enshrined in his public labors and in the hearts of his friends.

Mr. TILLMAN. Mr. Speaker, from the moment I first saw him in the parlor of the old Capitol Hotel in Little Rock, in January, 1880, to the hour of his death, I was perhaps as close to Senator CLARKE as were any of his contemporaries in the public life of the State. In the September election of 1888 we had been elected to membership in the State senate, he from Phillips, I from Washington County. He was a candidate for president of the senate, and had called to solicit my support. I was a fledgling member, barely old enough to satisfy the statutory requirements of the position as to age; he was several years my senior and already prematurely gray, caused by a

fever antedating by some years the meeting to which I refer. I shall never forget my first impression of this remarkable man. He had the look of an eagle, a magnetic presence, and being young and impressionable I became at once his ardent admirer, friend, and supporter. From the hour of our first conversation, and throughout the years following, we were personal and political friends, actively cooperating in numerous public enterprises and exchanging letters and visits at frequent intervals. He failed of election to the presidency in 1889, but at the succeeding session two years thereafter he was elected, and from that time forward, to him political preferment locally and nationally was sure and rapid.

Like most great men he was possessed of marked eccentricities. His temper at times was none of the best, and his control of the same not always exceptionally good. He had other peculiarities as well. One day a close friend of some years' standing called him by his given name. His friend received a sharp rebuke for this indiscretion and never repeated the offense. Senator CLARKE stated to him that he desired his friends, no matter how intimate, to call him CLARKE. He cared nothing for titles and preferred to be CLARKE of Arkansas, rather than general, governor, Senator, or Mr. President pro tempore of the United States Senate. In no event did he wish to be called James. I imagine that even Marc Anthony was not permitted to address the first Caesar as Julius nor did Atticus call Cicero, Marcus Tullius.

The world is made of little men, but Senator CLARKE was not of this type. If a man passed him on the street he would turn to look at him again. His figure was striking, his carriage majestic, his swinging stride and distinguished bearing at once impressed acquaintances or strangers with the knowledge that he was a real man. Imperious? Yes. Impatient of opposition? Certainly. Dominant? Nature made him so. With all that, at least before advancing years and ill health had seriously impaired his vital forces, he was as sweet as summer to his friends and gracefully polite to his enemies.

He once characterized himself as a good hater, and he was. With him there was no shadow land, no twilight zone between the things he hated and those he loved. Somewhat as did Pizarro, the Spanish gold hunter, the Senator drew a line on the sand, and bade his friends get on his side of the mark and his enemies on the other. And there he desired them to abide.

No other man was just as he was.

Like every virile character he was unique.

He was as distinct as a snow-crowned mountain peak.

That he might bind a voter to him he never practiced the petty but effective art of insisting upon a relationship, real or possible to John Smith or to John Smith's wife. He never insisted upon his near or remote partiality to any church to tickle the ear of the zealous religionist. He never mentioned his lodge membership nor displayed its emblem to make friends more active or to induce his enemies to become less active.

He was deaf to the jingle of tainted money.

He flattered no man.

He was never an opportunist.

He loved the din of battle.

He fought his antagonist face to face, "lance to lance and horse to horse."

Like a white-crested eagle, he scorned prey that had not fallen to his beak and talon.

His restless soul courted combat and disdained a lower flight. Without consulting a single friend or advising with political associates, he determined to go to the United States Senate. He did not lay in wait for an easy mark. He sought out the strongest antagonist he could find.

In the tournament at Ashby Sir Walter Scott, in his incomparable style, causes the Disinherited Knight to ride into the lists. The rule governing the tournament provided that if any knight proposed a conflict he might, if he pleased, select his antagonist by touching his shield with the sharp end of his lance, provided he desired an actual battle; if he wished only a trial of skill, to touch his opponent's shield with the reverse end of his lance. As Ivanhoe entered he was advised to touch Ralph D. Vipont's shield, to touch the Hospitaller's shield—"he has the least sure seat; he is your cheapest bargain." But the young knight struck with the sharp end of his spear the shield of Bois-Guilbert, the strongest of the Norman knights, and thus did Senator CLARKE in the political lists. Not waiting for a vacancy, by death or resignation, without the backing of wealthy or influential friends, with but a few years of residence in the State, he hurled his challenging spear straight at the shield of Senator James K. Jones, the strongest and most popular man in the State, the leader of his party in the Nation, a mental and



physical giant, and defeated him in a second effort with comparative ease. Since then he has ranked with the great men of the Nation, and was twice elected President pro tempore of the United States Senate.

Senator CLARKE was a man of a remarkable mental energy. He was a master of terse, lucid, expression. Each of his sentences rang like a new-made coin of gold. His English was pure and undefiled. No man ever had difficulty in determining his position upon any question, either by the Senator's action or language. In debate his mental blows were delivered with the strength that King Richard exhibited when he wielded his two-handed broadsword, and with the finesse and dexterity displayed by Saladin when he severed the delicate veil with his keen scimitar.

He left no senatorial survivor who can with propriety and justice assume to be his superior. Few equaled him in courage, in probity, in mentality.

Last night I stood in Statuary Hall on the spot where John Quincy Adams fell in a dying state on February 21, 1848. From that point of vantage I looked round upon the circle of statues in this, the Nation's great Valhalla of distinguished dead, and noted among the number brave Sam Houston, of Texas, robed in buckskin. There stood the portly figure of Thomas Benton, of Missouri; yonder the marble form of the scholarly Ingalls, of Kansas. There, within a few feet, stood Washington and Lee, of Virginia. Not far to my right, facing west, was the priestly Marquette, of Wisconsin; and near him the handsome Senator Kenna, of West Virginia; and I felt that I knew that when our people make provision here for the stately statue of JAMES P. CLARKE, of Arkansas, that every citizen of our great Commonwealth will hold up his head, supremely proud of him, when looking upon our distinguished fellow citizen in bronze or marble, the acknowledged peer of any of his silent associates.

I last saw him in the Union Station at St. Louis, on the 9th of September last, as we were going home from the first session of the Sixty-fourth Congress. He passed out of the station with the same vigorous step that ever characterized his walk, never looking better, never happier. He was stricken within a month thereafter in his law office at Little Rock at work among his books. I know that he received the fatal shock with fortitude, and as he hoped to receive it, with his armor on his back, fighting the grim battle of life. How much better it is to die before the mind becomes eclipsed, the reason beclouded, and the limbs dead and useless. I have long since decided that it is desirable to hurriedly and quietly pass away like this.

Some time at eve, when the tide is low,  
I shall slip my mooring and sail away,  
With no response to a friendly hail  
Of kindred craft in a busy bay.  
In the silent hush of the twilight pale,  
When the night stoops down to embrace the day  
And voices call in the waters' flow—  
Some time at eve, when the tide is low,  
I shall slip my mooring and sail away,  
Through purple shadows that darkly trail,  
O'er the ebbing tide of the unknown sea.  
I shall fare me away with a dip of sail,  
And a ripple of waters to tell the tale,  
Of a lonely voyage sailing away  
To mystic isles where at anchor lay  
The craft of those who have gone before,  
O'er the unknown sea, to the unknown shore.  
A few who have watched me sail away  
Will miss my craft from the busy bay;  
Some friendly barks that were anchored near,  
Some loving souls that my heart held dear,  
In silent sorrow will drop a tear:  
But I shall have peacefully furled my sail  
In mooring sheltered from storm and gale,  
And greeted the friends who have gone before,  
O'er the unknown sea to the unknown shore.

Senator CLARKE's life was a successful one. He left a fair estate and lived to round out an enviable and a brilliant career. He died in the season of harvest—in the rich, golden Autumn, the fairest time of all the year, when the frost deepens the blush on the apple and the snowy cotton turns its white, pure face to the chaste kisses of the southern sun; when the meadows are rich with goldenrod; during the season when God touches with His artist finger the foliage of our glorious forests and paints the leaves as brown as the hazelnut's flinty coat as yellow as God's noblest metal and as red as the blood of a Saxon king.

Senator CLARKE's friends have every reason to believe that all is well with his gallant spirit. His public and his private life was, we know, impeccable.

Faith builds a bridge across the gulf of death  
To break the shock blind nature can not shun.

It can be said of him in truth that—

He walked the rugged road of right,  
And never for a moment wandered from the way,  
To loiter in alluring shade,  
Or drink the Bacchanalian draught,  
Or pluck the idle flowers that fringe  
The banks wherein temptation's wooing tide  
Doth ever surge and flow.

A long good night to Senator CLARKE.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, Senator CLARKE was a native of Mississippi, and although his lot was cast with a sister State and his name and fame associated with the great State of Arkansas, Mississippi has always claimed him for her own, a son in whom she was well pleased. It was my good fortune, Mr. Speaker, to be thrown in rather more intimate association with Senator CLARKE than is usual with those who serve here from different States and in the different Houses of Congress. Our legislative purposes were very much the same. There was one great object, the attainment of which inspired us both and brought us into intimate collaboration. That being true, it is hardly necessary, it is in fact mere surplusage, to say that I soon discovered in him a man of genius and of unusual mental force.

I believe in raw mentality, if I may use such a crude phrase; he was the equal of any man with whom he came in contact in that great, if not the greatest, of all legislative assemblies. That he came, through the choice of his fellows, to be the President pro tempore of the Senate when his party gained control there after 18 years as a minority was no surprise to those who knew him; it was, in fact, as inevitable in the orderly course of natural events as that the sparks fly upward. It was said and has been suggested here to-day that Senator CLARKE was not a good party man; that he did not at all times recognize the authority of his political organization; that, to use a homely phrase, he was not always politically bride-wise; and that is probably true. Certain it is that neither in the Senate nor on the stump in Arkansas did he ever "crook the pregnant hinges of the knee where thrift may follow fawning." He never made commerce of his political convictions; he never traded or offered to trade, either here or on the stump, his opinions for votes. Nature had most generously illumined his great mind with the light of reason, and he used that divine attribute as became a man made in the image of his Maker. Caesar says that—

Cowards die many times before their deaths,  
The valiant never taste of death but once.

If that be true, I think we may say with assurance that the first time JAMES P. CLARKE ever met the grim reaper was on the first day of last October, when he laid down the burdens of this life.

Blest and equipped as he thus was, with strong mind and invincible courage, no wonder he succeeded. He literally demanded the lavish favor of the fates, and his rise in his profession and his elevation through progressive steps to the highest offices in the gift of his people was as inevitable as it was rapid.

I said, Mr. Speaker, I had been intimately associated with him because of a common legislative purpose which animated and inspired us both. The last time I saw Senator CLARKE he told me that the great predominant purpose of his official life was to secure the passage in the Senate of a bill which had been sent there by the House which would rescue his people from the ravages of the floods of the Mississippi River; and to that purpose, Mr. Speaker, he was as constant as the northern star, of whose true-fixed and resting quality there is no fellow in the firmament. Had he lived I think no man will doubt that that legislation would to-day stand upon the statute books. Unfortunately for us all, he was taken from us "like the summer-dried fount when our need was the sorest."

I have been to the Senate many times this session, and when I have observed the situation there, seen that great measure time and time again set aside for less important matters, and noted the absence of the great champion upon whom we depended with such confidence and reliance, I have almost involuntarily exclaimed—

Where, where was Roderick then?  
One blast upon his bugle horn were worth a thousand men.

Being a Mississippian, and being one who enjoyed the friendship of the distinguished gentleman whose death we lament to-day, I felt, Mr. Speaker, that it was proper that I should pay him this last tribute of my respect. There were few men whom I admired more than Senator CLARKE. I was one of those who were favored with his friendship. From my first acquaintance with him down to the day of his death I had many proofs of it. We have heard it stated here to-day, and all of us who knew him realize the fact that he was not only an aggressive man, a force-



ful man, a positive man, but sometimes it seemed an overbearing man, a pugnacious man; but, as is common with all who are so blessed with force of character and courage, he had a gentler side.

A gentleman was telling me last night at the hotel of a trip that he made after adjournment of Congress on a train with Senator CLARKE on his way back to Arkansas. This gentleman had never seen any other side than that which I have just referred to. They met on the train—this gentleman had his family with him—in a casual way. It was purely a social meeting, and there for the first time was revealed to him that other side of this great character. There was no battle then in progress; no conflict of wits, no struggle for supremacy, and this gentleman was charmed, he was indeed fascinated, by his genial personality. His little girl was with him, and the Senator was particularly attracted to her. Her childish prattle, her unsophisticated innocence appealed to his great heart which many strong men thought was adamant, and after he had reached his home in Arkansas he wrote this little child a letter manifesting the gentleness of that rugged nature which was frequently hidden from other men.

But this, of course, is the characteristic of all brave souls. I think I can fittingly close this meager tribute to the memory of a man whom I admired and loved by quoting that verse of Bayard Taylor to the soldier who fell in the Crimea—

Sleep, soldier, still in honored rest  
Your truth and valor wearing:  
The bravest are the tenderest,  
The loving are the daring.

Mr. RAYBURN. Mr. Speaker, I would not feel like saying anything to-day upon this occasion, as I feel I can not add anything to the tribute that has already been paid to Senator CLARKE, if it were not for the fact that my relationships with him for the last three years of his life were so close and so intimate. For the last three years of his life, while Congress was in session—and it was in practically continuous session—I lived at the same hotel with him and sat at the same table with him. I grew to admire his great ability as I have admired the ability of few men in my life, and I can say that I had for him an affection, deep and abiding, such as I have had for few men in all my life. I believe that he gave to me as much friendship and as much of his confidence as it were possible for a man of his age to give to one of my age.

Senator CLARKE was pictured by a great many people, who did not agree with him or who did not like him, as being everything that he was not. Senator CLARKE was one of the most human beings I ever knew in my life. As has been said, in the fierce struggles over principles, in the fierce debates, and in the fierce conflicts of wits he knew no favorites; he knew nothing but the guiding star of principle. And that is what should guide men.

Senator CLARKE had the true conception, and therefore the old conception, of a public servant, and that was that a public servant should be a leader of his people and not a follower of his people. He had that supreme confidence in the wisdom and in the patriotism of the people to believe that if he were right the people would always finally come to support him in that right. He had a more supreme confidence, therefore, in the people than has the average politician of this day.

The thing that drew me closer to Senator CLARKE than anything else was, I think, the companionship and the love that he gave to his only son. I knew him after I had heard a great deal of him and of the rough side of his nature, that he was this thing or he was that thing. When I see that a man is capable of a great love, I know it matters not what that man has done; that man can not be wholly a bad man. If Senator CLARKE in his life had ever done a bad thing, it would have been a big bad thing. It would not have been a little bad thing. I know from my talks with him every day that his great heart beat in unison and in sympathy with the great masses of the people, not alone of his own beloved State of Arkansas that had done so much to honor him and that he had in turn so signally honored. I know that his heart was with those people, and he tried that his acts might be such that those people would be benefited.

I am proud that the State of Arkansas has had wisdom and patriotism enough to vote in its legislature to place the statue of that great man out in this Hall of Immortals here, because if they had waited for a hundred years and had searched the annals of the State of Arkansas they would not in my opinion have found his like again.

Senator CLARKE was not an old man when he died. Although he had been honored with everything that the State of Arkansas

could give him, and had been elevated to the highest office within the gift of the United States Senate, he was a man of only 62 years. I simply wanted to say these words in tribute to the memory of this great and, I know, this good man. I know that in his life he did not know what fear was, and I know that he had a divine confidence in the existence of a Supreme Being and of a life that lies beyond death. I do not know what conception he had of the Great Beyond except that; but knowing the man as I did, when the summons came and he knew that he was about to cross the Great River, I know that he was not afraid.

The SPEAKER pro tempore. Unless some other gentleman desires to speak of the life and character of Senator CLARKE, this concludes the exercises to-day in behalf of Senator CLARKE.

Mr. CARAWAY. Mr. Speaker, I should like to ask unanimous consent that those who have not spoken to-day may be permitted to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that those who have not spoken to-day be permitted to extend their remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER pro tempore. As I stated before, if no one else desires to-day to address himself to the life and character of Senator CLARKE, I will ask the gentleman from Indiana [Mr. DIXON] to take the chair.

THE LATE SENATOR SHIVELY, OF INDIANA.

Mr. DIXON took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. DIXON, by unanimous consent,  
*Ordered*, That Sunday, February 18, 1917, be set apart for addresses upon the life, character, and public services of Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

Mr. BARNHART. Mr. Speaker, I send to the Clerk's desk a resolution, and move its adoption.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 513.

*Resolved*, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.  
*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. BARNHART. Mr. Speaker, the subject of our tribute to-day, Senator BENJAMIN FRANKLIN SHIVELY, was a lifelong resident of the congressional district I represent, and I knew him well as friend, citizen, and statesman. And knowing much of his scholastic and realistic inclinations as I do I beg your indulgence while I give some extracts from Gray's Elegy, which he frequently quoted, as illustrative of his reflective moods and as basis for the panegyric to follow:

The curfew tolls the knell of parting day,  
The lowing herds wind slowly o'er the lea,  
The ploughman homeward plods his weary way,  
And leaves the world to darkness and to me.

Now fades the glimmering landscape on the sight,  
And all the air a solemn stillness holds,  
Save where the beetle wheels his droning flight,  
And drowsy tinklings lull the distant folds.

Th' applause of list'ning senates to command,  
The threats of pain and ruin to despise,  
To scatter plenty o'er a smiling land,  
And read their history in a nation's eyes—

Far from the madding crowd's ignoble strife  
Their sober wishes never learn'd to stray;  
Along the cool sequester'd vale of life  
They kept the noiseless tenor of their way.

One morn I miss'd him on the custom'd hill,  
Along the heath, and near his fav'rite tree;  
Another came; nor yet beside the rill,  
Nor up the lawn, nor at the wood was he.

The next with dirges due in sad array  
Along the church way path we saw him borne,  
Approach and read (for thou canst read) the lay  
Grav'd on the stone beneath yon aged thorn.



Large was his bounty, and his soul sincere,  
 Heaven did a recompense as largely send:  
 He gave to mis'ry (all he had) a tear,  
 He gained from Heav'n ('twas all he wish'd) a friend.

No further seek his merits to disclose,  
 Or draw his frailties from their dread abode,  
 (There they alike in trembling hope repose).  
 The bosom of his Father and his God.

Such, Mr. Speaker, portrays the modest but eventful life of Senator SHIVELY. If we can grasp the marvelous spectacle of the onward march of a farmer boy from the devout environ of an humble Dunkard home through college, through the law, and through oratory to a foremost seat in his Nation's council, we have a graphic picture of the Senator whom we here honor in formal tribute.

Others will speak of Senator SHIVELY's biography specifically, but I shall only refer to that phase of his life incidentally and as it weaves into his public career. Like most great men he started from the farm, where so many fundamentals of strength and character are given to men and women. He was industrious and ambitious, and went from common school to college, from college to editorial chair, from editorial chair to the law, from the law to the lower House of Congress, and from the House to the Senate. Incidentally he was called to many high positions of leadership in the Democratic Party, having been candidate for governor of his State, chairman of his State delegation in national conventions, and so prominent in oratory and profound in statesmanship that he was frequently talked of by his party leaders as an available candidate for both the Vice Presidency and the Presidency. He voluntarily retired from Congress in 1892 after a popular service, and later was three times the nominee of his party for United States Senator, elected twice, and served in that body with national distinction for nearly seven years, having been called hence with more than five years of his second term unexpired. In this latter service he was ranking member on the Committee on Foreign Relations, and was frequently and safely consulted by President Wilson on the international troubles which beset our country.

As an orator Senator SHIVELY had a national reputation, was a foremost speaker in point of popularity in a dozen States of the Union, and in his own State there were requests for SHIVELY from the people of every county in every campaign. This popularity was due to two characteristics of the man. One was his ripe familiarity with current public questions and his captivatingly eloquent gift of presenting his arguments, and the other was his uniform fairness to the opposition.

It has been truthfully said of him that in all his life he never conducted a defensive campaign. His campaigns were aggressive. He scorned to misstate the position of his opponents; but having stated fairly the issue, no fact connected with, or consequences following, or conclusion inferable from such position escaped his attention. His knowledge of the science and philosophy of government was profound. He brought all questions to the test of organic principles, and with masterful analysis exposed the sophisms employed in defense of perverted power. His advocacy, always dignified, vindicated and strengthened the cause of his political belief by placing it on solid ground and giving the highest and best reasons for its faith. And, furthermore, Mr. SHIVELY always identified himself with the cause. When the candidate of his party he was never known in any speech to make a special appeal for votes for himself. He employed all his power to advance the cause he represented and took his chances with the humblest man on the ticket. If he led his ticket, the fact was due to his engaging personality and the confidence he inspired by his freedom from personal offensiveness in the discussion of public questions, and not to any effort by himself not common to the interests of all his associates.

These admirable qualities of superior talent in both knowledge and argument were not alone the all of Senator SHIVELY's power. His towering physique, his classical face, and his keen and penetrating eyes combined to make him a striking and impressive man, and as his acquaintanceship grew his rugged honesty and his sterling devotion to the cause of the masses gave him a public confidence that developed nation-wide proportions.

But in all of his illustrious political career Senator SHIVELY never approved so-called machine politics. Instead, it was ever his concern that the sentiments of the rank and file should prevail. And so his leadership was never dictatorial nor mechanical. On the contrary, his power was in his genius to analyze the situation—discern the true condition of public opinion and then serve it. Of course, this ability and his poise served him well to make him a natural leader. Without being presumptuous or demonstrative his political bearing was at all times dignified and commanding. He was retiring, rather than

vain, and this was admirable to all who realize that vanity is generally the attribute of those who drift along the surface, for those who are profound are, as a rule, modest and unpretentious.

Senator SHIVELY was devoted to statesmanship and the political economy of his country. He never tired of delving into history and biography for inspiration and into philosophy and tradition for his faith. He was painstaking and deliberate in the consideration of every problem that confronted him, and this analytical digest of pending questions always gave him mastery in championing constructive issues and benevolent policies. And not only was he a thinker and an orator of rare gift, but as a writer he was captivating as well. His sentences were faultlessly constructed and yet revealed no labored effort to detract from their elegant diction and captivating logic. Like the philosophers and orators of historic fame, the products of his resourceful mind and heart were masterpieces of composite English and wisdom.

Personally Senator SHIVELY was always the center of attraction in any assembly of people. Versatile in his intellectual accomplishments, amiable in presence, and generous to a fault, he easily adjusted himself to any environ. This made for a personal following as wide as his acquaintanceship. But he did not have multitudes of confidential associates. Instead, he confined close personal relations to a very few men, and it was often said of him that his most intimate and helpful friends were his books. Among the few who knew him best was Hon. John B. Stoll, one of Indiana's most illustrious journalists, and in recent observation on Senator SHIVELY's personality he described him as one as to whose generosity there could be no diversity of opinion. He was big hearted, kindly, and self-sacrificing. Had he been a Colossus, no want brought to his attention would have been turned away unsatisfied. Often did he amplify the adage that it is more blessed to give than to receive. The warmth with which his friends always rallied around him strikingly attested his intrenchment in their admiration and devotion. And the popular esteem in which he was held in his home city was strongly exemplified on the day of his funeral, when thousands of his acquaintances lined the streets of South Bend in solemn mein, which bespoke their pride in an illustrious and beloved fellow citizen, and their sorrow incident to his eternal leave-taking.

Was he inspired? Yes; by the help of a devoted, accomplished wife and the divine endowment of two manly sons and a dutiful daughter. I believe the best impulses of any man's life radiate around his family circle and gain strength and character in his home. And at no time did Senator SHIVELY's parental courage more richly bless his family than in his declining days, when his cheerfulness and resignation made him the same soulful companion that characterized the most thrilling triumphs of his remarkable career. He played well the part of a patriotic genius; he served well his country's call.

But for FRANK SHIVELY, as we so familiarly knew him, life's pilgrimage is ended, and the mystery of life and death is as complex to us who are left as when time began and the stars sang together in peans of praise to the Omnipotent. And those of us who have suffered the pangs of unspeakable sorrow when death's messenger has ruthlessly called our loved ones from us can only know that they are in their eternal home where, and only where, the mystery is unfolded, a mystery that neither philosophy nor science solves, a mystery which only the consolation of a religious faith can in any degree clarify. We can explain by natural and scientific research almost anything but the problem of human life and the possibilities and probabilities of the hereafter. And these are comprehensible only by those blessed by the comforts of a living faith in Him who doeth all things well.

Here on earth we may accomplish much, and it is our duty to give all the assistance we can to the world's work. Personal satisfaction and consolation teach us all that such is our mission. And unless we contribute our share to the discharge of life's real responsibilities, watchman, what of the night? After we have accumulated wealth, after we have surrounded ourselves with home and family and friends, after we have achieved distinction in scholastic and social endeavor, and after we have stood in the leadership of men in social or political power—after all these and probably many more accomplishments there will come a day for all of us when, weary of it all, we will lie feverishly and fretfully on a couch that has furnished us refreshing rest in all of the years gone by; we will be surrounded by the family and friends that have been our mainstay of strength always; we will be attended by the best medical skill our abundance of money can employ; and in the midst of it all when it would naturally be expected that we will continue to depend on these earthly agencies for help, we will turn our



backs upon it all and, reaching a palsying hand out into space, we will beseechingly implore:

Lead, kindly Light.

Mr. COX. Mr. Speaker, in the order of nature, which moves with unerring certainty in obedience with fixed laws, Senator BENJAMIN F. SHIVELY has gone to that repose we call death. In the midst of his labors, while yet a young man by no means having reached the zenith of his powers, crowned with honors meritoriously bestowed with a future illumined with lights of promise, this friend and colleague of ours was suddenly stricken by death. Anything we may add will not add anything to the fame of our deceased colleague, friend, and coworker that the people of Indiana who honored him most will not now freely record.

To me this is a solemn occasion to meet my colleagues here upon the floor of the House, the scene of so many activities and victories won by him, in commemoration of his life and death. It was not my pleasure to know him intimately until he became a Member of the Senate. I knew of him prior to that date, but it had not been my pleasure to come in close touch and contact with him. His name was a familiar household word to the citizens of the State of Indiana and to the Nation long before he entered the Senate. He was born on the 20th of March, 1857, of poor, humble, yet honorable parents. His road to success in life was by no means an easy one. It was beset with stones, confronted with many difficulties; but possessed of a strong physique, endowed with a keen and piercing intellect, he moved forward, aided by an indomitable will, succeeded in reaching a commanding position in the National councils of the people. He was not born with a silver spoon in his mouth. Inured in early life to hardship, toil, and drudgery, his very surroundings furnished the means, the ladder by which he succeeded in making life a success. Left an orphan early in life, he was compelled to depend on his own resources, and resolving to win in the struggle of life he set about to acquire a fundamental education to arm and equip himself for the struggle.

He was graduated from the Northern Indiana Normal School in Indiana and later completed a course at our university at Bloomington, Ind. He elected to follow the law as a life profession, and to equip himself in this work he graduated at the law department at Ann Arbor, Mich., with credit and honor to himself and the university as well.

Senator SHIVELY had not only a brilliant, but a penetrating and analytical mind. While recognized as a sound lawyer by the legal profession of the State, if he had not been caught by the lure of politics and devoted his time and energy to his chosen profession no doubt he would have ranked as one of the leading lawyers of the Nation. He was a student, a historian, as conversant with ancient, medieval, and modern history as a child is with the alphabet. He lived among the classics of the past, and through his intimate knowledge of history he was able to blend the past, present, and the future into a harmonious whole.

To him history, events, and epochs were constantly repeating themselves, and his erudite knowledge of the past to him was a signboard unerringly pointing the way to the future.

A profound philosopher, able through his strong brain to follow a proposition from its first to its last analysis, and after he dissected, criticized, and analyzed a proposition it was the last say on the subject. Through his keen, penetrating intellect he quickly separated the chaff from the wheat, and when done few there were who dared dispute with him on the finished product of his thought.

Senator SHIVELY was in no sense a man that might be called a "trimmer" or "policy man"; in no sense a man willing to follow the lines of least resistance. Never afraid to rush in where angels dared not tread, but traveled along the lines from the known to the unknown, reasoning from cause to effect, he was able to arrive at certain definite conclusions on a proposition where he applied the genius of his thought.

Once having made up his mind that he was right, he was as unyielding as the rocks of Gibraltar. No power on earth could shake him in his views or make him yield a solitary point from what he thought to be right. In no sense a follower of public opinion, but always in advance of it, paving the way and molding public opinion himself as he moved onward and forward, always blazing the way, never waiting to have it blazed by others.

He was a fluent talker, seldom dealt in high-sounding phrases, yet able to hold his audiences spellbound for hours at a time while discussing the most common subjects of economic life involving the existence of our country.

He was elected to Congress in 1887 from the thirteenth Indiana congressional district, and voluntarily retired to private

life to engage in the practice of law at his home in South Bend, Ind., in 1894; but the memorable campaign of 1896 called him to the front, this time as a standard bearer of his party's candidate for governor of Indiana. After the most memorable and exciting campaign ever held in the State, barring none except that of 1860, he was defeated by a small majority, not because of any weakness on his part or lack of brilliancy, logic, or argument thrown into the campaign by him, but because the things to which his party was pledged went down to defeat. Every child 10 years of age who heard his speeches and arguments in that campaign will remember him until they reach their three score and ten, or four score if by reason of strength they be permitted to live that long.

Accepting defeat as magnanimously as he entered on the contest, he again retired to the practice of law in his native city, but each campaign thereafter he was found on the hustings taking an active part in behalf of his party.

He was a Democrat in principle, precept, and example. He believed in the Jeffersonian principles of government and never afraid under any and all circumstances to espouse and defend them under any and all circumstances. Never a pessimist, always an optimist, a believer in the future triumph of these principles, and though he lived to see them defeated time and again, yet he firmly believed that time would vindicate them; that they would rise supreme and triumphant as the rule and doctrine not only of our Government but of all the world.

At the Kansas City convention in 1900 he was offered the nomination for Vice President at the hands of his party, but declined this proffered honor.

He reached the goal of his ambition in 1909 when elected by the Legislature of the State of Indiana to represent the State in the Senate of the United States, and was reelected to this commanding position in 1914.

Some of the brightest men of our Nation have served our State in the United States Senate since Indiana took her place among the sister States of the Nation. During this time she has had her Lanes, her Whites, her Julians, her Voorhees, her Harrisons, and her Mortons, and a host of others, and along with these intellectual giants stands, and will forever stand, the name of BENJAMIN F. SHIVELY as a monument, a glory, and an honor to the greatness of the intellectuality of the people of Indiana.

He soon took front rank in the Senate, meeting veteran legislators of many years' experience in open debate face to face. His opponents quickly learned that he was a foeman worthy of his steel. Always courteous, both in private and in public life, never overaggressive but always able to defend himself and his position under any and all circumstances. His early education and training of mind peculiarly fitted him for a public career in life. His broad mind, his wide grasp of things made him master of the situation. He was especially strong on many of the great economic questions of the day, particularly the tariff and financial questions, the two fundamental problems on which the economic existence of all governments rest.

I am not putting it too strongly when I say he was a complete master of the tariff question. By nature and training, a firm believer in the equal rights of men engaged in the struggle of life, and believing that a high protective tariff favored the few as against the many and that it enabled the few to control and monopolize the natural resources of our Nation, to oppress the many for the benefit of the few, he became not only a bitter foe but an implacable enemy of all private monopolies and at the same time an able defender and a Nation-wide champion of the rights of the individual man, and whenever and wherever he assailed this unjust system of taxation, whether in or out of Congress, he tore to shreds and tatters the argument of the advocates of monopoly. Many of his speeches and arguments on this subject will go down in history unanswerable, unsailed, because they were and are logically sound.

Perhaps the crowning work of his life along this line was exemplified in the enactment of the Underwood tariff law. While it does not bear his name, yet every paragraph, every section, and every schedule in that law bears the impress of his great mind. He firmly believed that if this bill was given a chance that it would tear the mask from the face of monopoly and restore equal rights, equal opportunities to every man seeking to acquire and maintain his rights.

He cared nothing about the trappings or the garments by which a proposition was clothed, but was constantly searching for the principle in it, and when he found it, if it squared itself with his ideals of right, he gave it earnest and loyal support. On the other hand, if it did not square itself with his ideals of right, he openly repudiated it at every opportunity haling itself to him so to do.



While Senator SHIVELY had phenomenal success in life, there was nothing accidental about it. It came to him because he deserved it, because he worked for it, and because he had the ability and courage to possess it. He was elected among many ambitious men; not by any tricks of fate, not by a wheel of fortune, but because he possessed those qualities which make for greatness, brain power, energy, singleness of purpose, and indomitable courage to carry these traits of character into execution.

There was nothing sentimental about it. His devotion to duty was his creed. Absolute and exact justice to all, and everybody alike was to him an obsession. Honesty and loyalty were the points by which he ever steered his course; true to his conscience, true to his oath, and true to his obligations to the people who called him to their service, were his guiding stars and the groundworks upon which he built for himself a monument more to be prized and more enduring than the marble slab which marks his final resting place.

From this memorial exercise let us, the living, learn a new lesson that is as old as sacred history itself. The lesson is, "It is better to go to the house of mourning than to go to the house of feasting; that is the end of all man; and the living will lay it to his heart." A sanctuary of sorrow is a crucible in which to purify the soul. It reminds us that in the midst of life there is death. Let the premature death of Senator SHIVELY be a constant reminder to us of the serious meaning of that heavenly decree, "Man is born to die." Let us bear in mind that our days may be consumed with impotent and helpless grief or our life shrouded with dispiriting gloom, but rather that we may be impelled to make timely preparation for the coming of the inevitable hour in which every man must surrender his own soul to God, who gave it.

Husband, father, friend:  
Farewell.  
All our hearts are buried with you.  
All our thoughts go onward with you.  
Come not back again to labor,  
Come not back again to suffer,  
Where the famine and the fever  
Wear the heart and waste the body.  
Soon our tasks will be completed,  
Soon your footsteps we shall follow,  
To the isles of the blessed,  
To the land of the hereafter.

Mr. BARNHART took the chair as Speaker pro tempore.

Mr. DIXON. Mr. Speaker, to-day we turn aside for a brief period from the active and laborious routine of legislation to pay our homage to the life, character, and public service of one of Indiana's most distinguished and illustrious sons, Hon. BENJAMIN FRANKLIN SHIVELY, late a Senator from the State of Indiana.

It has been the custom here that those who have died in the congressional service of their country should have accorded them some permanent memorial of the personal regard and esteem felt by those who were associated with them in this service. Civilized nations have always mingled with their sorrow commemoration of the noble qualities of the dead. BENJAMIN F. SHIVELY was born March 20, 1857, in St. Joseph County, Ind., where to-day his ashes rest. He was the son of Rev. and Mrs. Joel Shively, natives of Pennsylvania, who had emigrated to the West and settled in St. Joseph County, Ind., in 1854. Religiously they were of the Dunkard faith.

Young SHIVELY's early life was spent upon his father's farm, and during the winter he attended school. He later attended the Northern Indiana Normal School at Valparaiso. During the years from 1875 to 1880 he taught school, six terms in all, and then engaged in journalism as the editor of a Greenback and Antimonopoly paper called *The New Era*. This paper was especially filled with editorials, and the young editor found pleasure in the preparation of strong and vigorous articles in support of Greenback and Antimonopoly doctrines and championed the cause with fervor, zeal, and unusual ability. In 1882 Mr. SHIVELY was the candidate of the Greenback Party for Congress for the Forty-eighth Congress. In that contest William H. Calkins, the Republican candidate, was elected over his Democratic opponent by 391 plurality, while Mr. SHIVELY received 1,943 votes. Mr. Calkins was nominated for governor in 1884, during the Forty-eighth Congress, and resigned October 20, 1884, to make that race.

The Democrats had already nominated Hon. George Ford as their candidate for the Forty-ninth Congress, and a vacancy now existed for the unexpired term of the Forty-eighth Congress. Mr. SHIVELY having made the race at the preceding election as the candidate of the Greenback Party, both the Republicans and Democrats eagerly reached out for him to be-

come their candidate for the unexpired term. Being much more in sympathy with the Democrats than the Republicans, he became the candidate of the Democratic Party for the unexpired term and with the expected and natural result that both Messrs. Ford and SHIVELY were elected, the Greenbackers and Democrats supporting each of these candidates and each elected by over 2,000 majority.

Mr. SHIVELY entered Congress December 1, 1884, and served until March 4, 1885, and was the youngest Member in that Congress, being not quite 28 years of age. The Congressional Directory of that Congress in its biographical sketch of Mr. SHIVELY, and no doubt the data, at least, was furnished by him, states that he was elected as an Anti-Monopolist and that he was in 1883 secretary of its national organization.

After his retirement from Congress, he entered the law department of the University of Michigan at Ann Arbor and graduated therefrom in 1886 and then began the practice of the law at South Bend, Ind. Mr. SHIVELY was nominated as a Democrat in 1886 as candidate for the Fiftieth Congress, and was reelected to the Fifty-first and Fifty-second Congresses. In the Fiftieth Congress he was a member of the Committees on Indian Affairs and Indian Depredation Claims. In the following Congress he was continued as a member of the Committee on Indian Affairs and was also a member of the Committee on Banking and Currency. The work of this latter committee was better suited to his taste and line of study. In the bitter contest for Speakership in the Fifty-second Congress he early espoused the cause of Mr. Crisp, who was elected and assigned him to membership on the Ways and Means Committee. He had given the subject of taxation a special study and was thoroughly equipped for the work of that committee. Early in 1892 Mr. SHIVELY published a letter to his constituency announcing that he would not again be a candidate and that he expected to retire from public life at the end of that term. He again entered into the practice of his profession, but he was deeply interested in public affairs and continued an active participant in political campaigns and party organization. He served as city attorney of South Bend, as also attorney for the city school board.

In 1892 he was offered a renomination to Congress, and again in 1894, but each time he refused, preferring to remain in the practice of his chosen profession. In 1896 he was nominated by the Democratic Party as its candidate for governor, and made a vigorous and brilliant campaign. The political contest of that year was extremely bitter and stubbornly fought, but Mr. SHIVELY not only endeared himself to the members of his own party but won the admiration and respect of all our people, but, with his party, was defeated by a small majority in the election. In 1906 he was again nominated for Congress, but was defeated in the election. In 1903 Mr. SHIVELY received the complimentary vote of the Democratic members of the legislature for United States Senator. In 1905 he again was the Democratic nominee for the United States Senate, and received the votes of the Democratic members of the Indiana Legislature.

In 1893 he was selected a trustee of Indiana State University, and remained trustee continuously thereafter until his death, being president of the board at that time.

In 1909 he was selected by the caucus of Democratic members of the legislature on the twentieth ballot as their candidate for United States Senator, and later was elected by the legislature and took his seat March 4, 1909. In 1914 he was reelected to the Senate by the popular vote, and was the first Senator for Indiana to be elected under the law for the election of Senators by the direct vote of the people. This election by popular vote was adjudged by him as the proudest event of his political life. During his service in the Senate he was a member of the Census Committee, chairman of the Pension Committee, member of the Committee on Foreign Relations, and also member of the Committee on Finance.

As chairman of the Pension Committee he enthroned himself in the affections of the old soldiers of the country by his broad-minded, generous, and loyal service. No soldier ever had a firmer friend.

He was acting chairman of the Foreign Relations Committee during the period of our complications and trouble with Mexico and was the close adviser and confidant of the President during that period and was the spokesman of the administration on that subject upon the floor of the Senate.

When the Underwood bill was sent to the Senate Mr. SHIVELY, in committee, on the floor of the Senate, and in the conference meeting, was active and vigorous in upholding the principles upon which said bill was constructed. While not fully agreeing with all its many minor items, he was steadfast, earnest, and sincere in its support and passage. From the beginning of his public career he



made a specialty of the study of the tariff, and he became one of the recognized authorities on that subject. There is hardly a place in Indiana where he has not discussed this question, and always with clearness and ability, and our people have marveled at the wide range of his information and admired his ability to present the same with such force and effectiveness. He was possessed of a strong mentality which enabled him to readily grasp and solve great problems.

Senator SHIVELY was sworn in at the beginning of the Sixty-fourth Congress but never returned to the Senate Chamber. The disease that finally terminated his career had been making steady inroad on his vitality and was regarded as necessarily a fatal one. No man made a more determined fight for life, and up to within a few weeks of his death he talked about work he would do when he regained his strength and health. When death finally ended his sufferings on March 14, 1916, and the sad news was flashed over the wires, there were countless deeply saddened firesides in the State that gave him birth and that had repeatedly showered high honors upon him.

On June 19, 1889, he was married to Miss Emma Laura Jenks, the accomplished daughter of Hon. George L. Jenks, Solicitor General under President Cleveland; the devoted widow and three children survive him.

Mr. SHIVELY was endowed by nature with all the charms of a fine physical presence and with an intellectuality of the highest order. He was tall and graceful, with a handsome face, an engaging countenance, a commanding and attractive address, and an orator whose messages were listened to attentively, and whose clear and persuasive logic enabled him to appeal to the judgment of his hearers. His speeches appealed to the judgment and not to the emotions. He dwelt in facts rather than fancies and in reason rather than in high-sounding phrases. He was one of the most forceful, pleasing, and magnetic speakers who ever graced the political forum of our State. He was always serious in his speeches, seldom, if ever, relieving the same by humor or anecdote, but they always bristled with facts and figures.

He was loyal to his friends, steadfast in his friendships. At times subjected to bitter and unjust criticism himself, he never deserted a friend who was himself under fire, when he felt that the fire was unfair and unjust, even though his loyalty might bring to himself added criticism. He knew the penalty of public life was criticism and ingratitude, but he bore them bravely. When political friends sought his aid for preferment and place, he sought to give to each unprejudiced and friendly consideration. When one would seek to improve his own chances by the repetition of rumors or reflections against other candidates, that man invariably ruined his own chances for the place. Dealing with others on a high plane of fairness and justice he had no patience with those who adopted a different course. He was slow to make a promise, but when once made it was fulfilled if he had the power to make it good.

Although a partisan in politics and holding firmly to the principles of his party, he was free from narrow partisanship and liberal and generous in granting to those with whom he differed the belief that their judgments were equally sincere and honest as his own. He was not one who was inclined to find fault with those with whom he differed.

He was a politician in the highest and broadest sense of that term. A politician does not mean in its proper sense one whose aims and ambitions are solely selfish and who seeks only his own advancement without regard to means or method employed, but rather one who has an intense interest in public affairs, fixed ideas as to politics and principles, ability to command respect and win the confidence of men, and who seeks power and place in the hope that he can be of larger service to his fellow man. With no thought other than the public good, with no ambition but to faithfully perform his duty, then the politician becomes the safe legislator and statesman, and such was the man, the politician, and statesman, BENJAMIN F. SHIVELY.

In every relation of life he did his duty as an enlightened judgment dictated and as a quickened conscience approved. In all his life, whatever position he occupied, as a teacher, a journalist, a lawyer, or a public official, never was the integrity of his conduct or the purity of his motives questioned. He did not speak often in the Senate, but when he did, he prepared his speeches with infinite care, study, and thought; his words were well chosen, his sentences carefully balanced, and his diction was perfect.

Mr. SHIVELY was never sensational or spectacular, neither was he vain or egotistical. He never spoke for the purpose of self-glory nor for the purpose of appearing in the public limelight. He never advertised himself nor posed and played for the gal-

leries. He was modest and unassuming and had the complete confidence and respect of his colleagues. He was respected for his abilities and honored for his services. With dignity and with modesty he performed his labors, doing great things, but "unheralded and unsung" by himself. In the committee room, where the real work of Congress is done, he made his great impression on legislation.

Indiana has produced many distinguished men, and is proud of their records and achievements; she has had many illustrious public men and statesmen; she has given to the service of the Nation men whose services have not only honored them but reflected honor upon the State; she has given to the Senate Hendricks and Morton, McDonald and Turpie, Harrison and Voorhees, and now SHIVELY is added to the list of our departed Senators whose services have shed a luster on our State and left their impress upon the Nation.

It is impossible to state in formal phrase the many noble qualities of his heart and mind. He had no malice in his heart, no envy in his thoughts, and was always the same, always a gentleman in manner and in speech. I was a member of the committee appointed to attend his funeral, and I know the sincere grief felt by the people of his city and his State. The day of his funeral all business was suspended in every avenue of trade, and all sought to pay their last tribute to their departed friend and neighbor. As they honored him in life, they honored his memory after death by breathing the tenderest and most loving sentiments of affection and love.

Heaven portions it thus—the old mystery dim—  
It is midnight to us; it is morning to him.

These were the words written of a friend by Indiana's most gifted and beloved poet, James Whitcomb Riley.

Mr. ADAIR. Mr. Speaker, we are here to-day in compliance with a commendable and well-observed rule of this House to pay tribute to the life, character, and public service of Hon. BENJAMIN F. SHIVELY, late a United States Senator from Indiana.

I learned to know Senator SHIVELY more than 30 years ago, when he first served as a Member of this House. I was a young man at that time, interested to some extent in the legislation of the country, and was a great admirer of Senator SHIVELY and the course he pursued as a Member of Congress. I watched him with much interest, admired the work he did here, and was indeed sorry when he decided not to be a candidate for reelection. I felt at that time that his services were needed in this body and that it was a loss to our State and to our Nation to have him retire from Congress. After leaving this body I met him occasionally, but my close acquaintance with him began in 1896, when he was a candidate for governor of our State. It was my pleasure and privilege to be with him considerably during that campaign. I spoke from the same platform with him at a number of places in the congressional district I have the honor to represent, and it was then I learned his true worth and his remarkable ability. In my humble opinion the most remarkable speeches ever made in the State of Indiana were made by Senator SHIVELY in the campaign of 1896. I heard it said during that campaign that his speeches were too deep, or, to use the common phrase, that he shot over the heads of his audiences. But the consensus of opinion was that the speeches made by him upon the issues of that campaign and upon the great questions confronting the American people at that time were the soundest and most convincing of any delivered in the State. He held the attention and won the admiration of all who heard him. After that campaign I met him many times, and our friendship ripened and grew as the years passed by. It was a deserved recognition when Indiana saw fit to send him to the Senate of the United States. When he was chosen to that position I knew he would do credit to himself, to his party, and to the State of Indiana. He came to that body not as strong physically as he might have been, not as able as he had been in the past to render hard, arduous service; yet he contributed his part in the consideration of the great problems coming before Congress. He had been a Member of that body only a few weeks until you could hear it remarked among the membership of the Senate that he was one of the most intellectual men of that body and the kind of a man who would have been chosen to do the most difficult task that could have been assigned to any Member of the United States Senate.

He served his first term and the people of Indiana said, "Well done, thou good and faithful servant," and by popular vote of the people sent him back to that body for another six years. At the beginning of his second term his health was so undermined that he was not able physically to meet the task before him.



It is a fine thing to see a man battling against tremendous adversities of life. It is an inspiration to see a great soul endeavoring to overcome the moral and physical difficulties of the world. But to observe at close hand a man fighting for his life against such transcendent obstacles with supreme cheerfulness and rare courage will perhaps leave to you and to me a stimulus for the public good, a contribution to our official standards, greater than any forensic triumphs that may resound through this Hall.

Eloquence may be sometimes preserved by the records of this House; wit may here and there leave a shaft to be seen in after years; reason and exposition may cleave the clouds of our doubts; but I suspect I voice the inner conscience of the membership of the House when I observe that you and I are most helped in the discharge of our public duties by contact with a clean, lofty soul standing firm amidst racking pain and lowering clouds that gather about the end of the journey and knowing no hypocrisy and no cant. One may consider himself fortunate whose privilege it has been to serve and associate with such a character.

Mr. Speaker, the future historian who writes the history of our Nation and of our lawmaking bodies will give a high place to the statesmanship and ability of Senator SHIVELY. In his death the wife and children have lost a loving and faithful father, I have lost a good and true friend, the State of Indiana an able, faithful, and conscientious representative, and the Nation a statesman worth while.

Mr. DIXON resumed the chair as Speaker pro tempore.

Mr. WOOD of Indiana. Mr. Speaker, Plutarch has told us that—

Not by lamentations and mournful chants ought we to celebrate the funeral of a good man, but by hymns, for in ceasing to be numbered with mortals, he enters upon the heritage of a diviner life.

It occurs to me that these words have a peculiarly fitting application in considering the passing away of Senator SHIVELY. He was sick for a long time. Courageously did he battle against the ravages of disease. By his sheer indomitable spirit was his life prolonged. He did not surrender. He fell fighting that mysterious foe we call death. Though a sufferer long, he was not weary of this life, and the fact that he was not weary of this life is the best evidence of his being prepared for the life hereafter. For it has been said that "a man is not quite ready for another world who is altogether tired of this." Therefore, I am of the opinion, that if Senator SHIVELY could speak to us to-day he would say, "Lament not and mourn not, but rejoice that I am enjoying the heritage of a diviner life."

If there was any one evil that Senator SHIVELY detested above another, it was sham or hypocrisy, and he possessed a rare faculty for detecting it. He religiously abstained from its practice throughout his life. Now that he is dead his friends will not do his memory the injustice of indulging it through the use of fulsome flattery. In life he made no attempt to make himself appear what he was not, and in passing he left a fame that needs no superficial laudation. He believed, like Warwick believed, that—

Hypocrisy desires to appear, rather than to be, good; honesty, to be good rather than seem so. Fools purchase reputation by the sale of desert; wise men seek desert even at the hazard of reputation.

In consequence he was without ostentation, which is said to be the signal flag of hypocrisy.

He was not a self-advertiser. He shrank from it as he would from a plague. It was hard indeed for a newspaper man to get anything from him that seemed to be in praise of himself or his accomplishment. He was content to be judged by his works rather than by words used to advertise his works, and right well did his works speak for themselves. They have made for him a place that is secure in the annals of the State that so signally honored him and in the Nation he served so long and well.

He loved his friends and his friends loved him. He made friendships by the giving of friendship. His friendship was not "like the shadow of the morning, decreasing every hour," but it was "like the shadow of the evening, which strengthens with the setting sun of life." His was the friendship that is characteristic of broad minds. It overlooked the faults and frailties of his fellow men and remembered only their virtues. In turn he learned his virtues from his friends who loved him and who buried his faults in the sand. He was indeed an exemplar of Socrates, who said:

Get not your friends by bare compliments, but by giving them sensible tokens of your love. It is well worth while to learn how to win the heart of a man the right way. Force is of no use to make or preserve a friend, who is an animal that is never caught nor tamed but by kindness and pleasure. Excite them by your civilities and show them

that you desire nothing more than their satisfaction; oblige with all your soul that friend who has made you a present of his own.

The most precious jewels that we can possess in this life of trial are love and friendship. These were possessed by Senator SHIVELY, and he gave of them as freely as he received.

Peace to his ashes.

Mr. CULLOP. Mr. Speaker, it is said that death loves a shining mark. When death laid its cold and icy hand on BENJAMIN F. SHIVELY it captured a shining mark. I first met Senator SHIVELY in the notable campaign of 1896, when he was the candidate of the Democratic Party for governor, waging one of the most active and able canvasses ever made in that State for a great office.

He was a striking figure; tall, erect, large in stature, with a handsome face, of distinguished appearance, he attracted the audiences before whom he spoke and created enthusiasm not alone by the manner in which he spoke but by the unanswerable logic, the clear and convincing arguments he made before the people.

The campaign of 1896 was one of the bitterest, perhaps, we have had in Indiana, a State of bitter political contests, and during my recollection of political campaigns in that State I never knew a candidate for governor who bore himself more nobly and with more grandeur than BENJAMIN F. SHIVELY did in that great contest. Defeated as he was by a small majority, yet he came out of the contest stronger with the people of Indiana than he had ever been before. He was elected four times to a seat in the National House of Representatives and twice a United States Senator from Indiana. These marks of distinction and of honor were not given to him by political intrigue but were given to him upon his merit. He was not the creature of machine politics; he was too independent for that; but all the honors he received he won by his merit. He was strong with the people. They believed in him. He had their confidence, and, best of all, he it said, he never betrayed it. This was the source of his strength. This was why he held the confidence of the people and why they rallied around his standard and bore it bravely to victory. In him they had a friend upon whom they could rely, a strong and sturdy advocate of every cause for the advancement of their welfare.

Mr. Speaker, because of the evenly divided sentiment in politics in Indiana it has been blessed in the United States Senate by some of the greatest minds that have adorned that great legislative body. Men famed for their ability, their eloquence and statesmanship, men who have shaped legislation and molded public opinion, men who have fashioned the destiny of this great Republic; and when impartial history is written of the great work these men have performed Senator SHIVELY will take high rank because of his splendid services, his great ability, and his unswerving fidelity to the cause of the people.

Indiana has been signally fortunate in the great men in the last half century who have represented it in the United States Senate, the greatest law-making body in all the world. The people of Indiana are proud of these great men and their splendid achievements. It is one of the richest legacies they possess, and they are proud of the fact that BENJAMIN F. SHIVELY took high rank among these great statesmen, proud of the fact that he performed his duty in keeping with the other illustrious men who had been commissioned to represent that State in the National Congress and raised higher the standard of American statesmanship. We mourn his death, the loss of his wise counsel, and his genial association. We realize the value of his public service, of his great abilities, and how he labored to promote the welfare of the people. These redound to his honor and enshrine his name in the affections of a grateful public.

Mr. CLINE. Mr. Speaker, I court the opportunity to speak very briefly of the subject of this occasion. I knew BENJAMIN FRANKLIN SHIVELY for many years. He was a finished specimen of American citizenship, a patriot and a statesman. He was a wise, courageous, and capable man. He had many superior qualities, chiefest among which was his unflinching integrity. You and I, as the years creep over us, come more and more to place a high estimate on the man who trusts in other men, who believes that the essential elements that come into correct living are made so by such a devotion to them that they become our ideals. I like a man who has faith in his fellows. Who is the antithesis of he who doubts, mistrusts, and suspicious. Such a man has lost the value of living, in that he has himself written early across his life the word "failure." Two of the great words in the English tongue are faith and hope. In both of these symbols BEN SHIVELY lived and wrought a useful life. May I say, without formality, that Senator SHIVELY was on common ground with Indiana's greatest states-



men. There is one essential particular that adds luster to his integrity and his name and leaves untarnished his political career. He died a poor man. In that particular, strange as it may appear, he has a place with all of Indiana's prominent men once in public life. It is a singular coincidence that Hendricks, McDonald, Voorhees, and Turpie were all men in very moderate circumstances. That fact alone is a fine heritage to the youth of that great State. He was like these splendid men in another way. He was the peer of that galaxy of profound thinkers of the State of whom the people are justly proud.

Senator SHIVELY was not an offensive partisan, though long and active and consistent supporter of his party. His devotion to it is shown in the fact that in the days when it met with the greatest reverses he submitted to its call when a candidacy on the State ticket was absolutely hopeless.

Year in and year out he traveled back and forth across the State, detailing before great audiences the principles of the political faith in which he believed without the hope of any reward except the patriotic duty well discharged. His ability and fairness in discussion won for him friends by the thousands. In 1908 when his party came to power in Indiana he was readily chosen as its representative in the United States Senate. I need not relate to you the story of his successes. It is familiar to all. It is full of glory. When the Democratic Party came into power in 1912 the President of the United States found in him a safe counsellor. In 1914 when he sought reelection at the hands of the people of his State his popularity and ability were shown by the fact that though unopposed for renomination he ran many thousands ahead of his ticket both at the primary and in the election.

He was recognized all over Indiana and throughout the country as authority on the subject of national taxation. Probably no contemporary in Congress has given so much time and study to that subject as had Senator SHIVELY. Let me quote a paragraph from one of his speeches to show the breadth of thought and strong patriotism of this man:

The solution of our problems does not lie alone in writing the rates of duty a little higher or a little lower, or in writing no rates at all, but in the coordination, control, and equitable distribution of all those commingling agencies of our production and distribution, in all of which every man must contribute under law an untiring service to produce and distribute the material good won by such study, such devotion, such patriotism to the myriads "who have sprung from the earth's bosom in this summer of political liberty."

Senator SHIVELY was also a warm advocate of legislation in the interest of labor. When the proposition arose concerning the addition of a new member to the President's Cabinet to represent labor, he delivered an able speech on the bill on February 26, 1913, to establish a Department of Labor. I select one paragraph of that speech to show the breadth of thought on this important subject:

The American Declaration of Independence was an unqualified challenge to the whole political doctrine and philosophy of Aristotle. That some of those who subscribed to that instrument were not entirely free from the spirit of caste we can easily believe. Yet it was issued at a time when then existing institutions and dogmas were under the white heat of a remorseless intellectual and moral inquisition, and many cherished idols of power were being cast down and melted away in the flame of a revolution that signalized a new conception of the true form and functions of government. It is easily conceivable that in the fervor and enthusiasm of that revolution the sponsors of the great declaration regarded the humblest toiler in the Colonies as of more value to society than the whole tribe of titled parasites bred at princely courts of kingly power.

In every field of legislation he was a thorough student. He was a man of great value to the country at large. I have often admired him for his large heartedness and sturdy character. He was a man of lofty purposes and high ideals. He was so well regarded by his party that in the St. Louis convention in 1908 he could have had the vice presidential nomination had he desired it. He was, in the largest sense, a patriot, and his service was always an unselfish one. In his death Indiana lost one of her foremost citizens and the country a man of the highest honor. He was a man of courage. Fortune never smiled upon him. What he was he accomplished through his own efforts and his resolution to conquer whatever obstacles challenged his success. I can not help but speak the words of Sarah K. Bolton, so applicable to the life and character of the distinguished Senator:

I like the man who faces what he must  
With step triumphant and a heart of cheer;  
Who fights the daily battle without fear;  
Sees his hopes fall, yet keeps unflinching trust  
That God is God; that somehow, true and just,  
His plans work out for mortals; not a fear  
Is shed when fortune, which the world holds dear,  
Falls from his grasp; better, with love, a crust  
Than living in dishonor; envies not  
Nor loses faith in man, but does his best  
Nor ever mourns over his humbler lot,  
But with a smile and words of hope gives zest  
To every toiler; he alone is great  
Who by life heroic conquers fate.

Mr. LIEB. Mr. Speaker, when BENJAMIN FRANKLIN SHIVELY died, full of years of public service, there was lost to this country one of the ablest statesmen of all times. Possessed with a great mind that encompassed and illumined every subject he touched, Senator SHIVELY ranked high in the annals of American statecraft. As a student, as a teacher, as an editor, as a lawyer, as a Member of the House of Representatives, as a Member of the Senate, as a man among men he gave all who came in contact with him through each step of his career the same impression of indomitable character, courage, and ability. He was not a leader of men in the usual acceptance of the term; he was more than that; he was the diviner of ways, the solver of difficulties, the meeter of trying situations, the one man who was equal to every emergency.

The sad intelligence of the death of Senator SHIVELY, while not unexpected, owing to his long and brave fight for life, came as a shock to the Nation. It seemed almost impossible to think he had passed into the—

Sinless, stirless rest,  
That change which never changes.

Taken by the hand of death from his seat in the Upper Body of Congress, his colleagues were moved as men are seldom moved.

Among the membership of the Senate not one of his colleagues could boast of service in Congress prior to the term when he first served in the House of Representatives in 1884. It was an unusual commentary that he should be the youngest Member of Congress upon his ascension to statesmanship in Washington and that he should be the oldest in the point of priority of service among his colleagues of his own political party in the Senate at his death. It was the Forty-eighth Congress when Senator SHIVELY was elected to the House of Representatives. In this same House of Representatives NATHAN GOFF, of West Virginia, and KNUTE NELSON, of Minnesota, like Senator SHIVELY, were serving their first terms in the Lower Body of Congress. While 33 other Senators of the Sixty-fourth Congress had previously held seats in the House of Representatives, none of them had served prior to the Forty-ninth Congress.

Some of my colleagues have spoken before me and have touched upon the splendid traits of the late Senator's character and life. Every word of tribute that has been uttered voices my sentiments. The esteem I had for Senator SHIVELY grew more pronounced through the advancing years of the acquaintanceship I had with him. I speak not in extolling a man whom I knew only through association in the National Capitol, but through an association dating back to the early eighties when the young and resourceful man began to make his mark as a Democrat and as an orator. I first met him in Indianapolis at a political gathering. From then until his death, a period of more than 30 years, I came in contact with him often.

On the occasion of one of his last speeches before his election to the United States Senate, I had the pleasure of introducing him to an audience at Rockport, my home city. This was during the campaign of 1908. I will never forget the impression he made in discussing the tariff issue. It was the most wonderful exposition on this subject that I had ever heard. Eloquent in his oratory, but simple in his explanation of the principles of this great question, he held his audience in breathless attention. Senator SHIVELY had all his life specialized on tariff and taxation, and at the time of his death there was a popular belief in Washington that he had few equals in knowledge of the tariff.

Anyone well acquainted with Senator SHIVELY could not help but be impressed with his retiring manners.

He was a man who studiously shunned the embellishments of life. He cared nothing for the glory of a personal victory. As long as he won, he was satisfied. To gloat over a triumph over his political adversaries or to get out and hurrah over his political successes was not a trait in his character. Simplicity was always a craving in him. One of his friends remarked at his funeral, when others had noticed the simplicity of the rites:

Why he wouldn't even let us celebrate his election to the Senate. We wanted to get up a big jollification, but FRANK vetoed it firmly. He simply would not do an ostentatious thing. He loved the quiet of close communion with his friends.

I always found Senator SHIVELY to be a man easy to approach. He never refused an audience unless circumstances made it impossible. Even when his health failed him almost completely he received his friends in his office in the Capitol ready as ever to give his ear to whatever might be brought to his attention. I visited him several times when he was too fatigued to set at his office desk. But each time he lay on his couch and evidenced his usual interest in the affairs that had



come up, even though pain was written on the contours of his face when he talked and listened. I was a visitor at his bedside in the hospital a short time before his death, and in his greatly weakened condition he evidenced a surprising interest in the prevailing topics of the day. Until the very last he was keenly alert to the wants and needs of his constituency.

It is in the community in which a man has made his home that one gets a true insight into his character and esteem in which he is to be most critically observed. While I knew Senator SHIVELY well enough to judge his many worthy traits through and through, I perhaps never appreciated more fully the high regard in which he was generally held than on the sad occasion when his body was borne through the streets of South Bend. It seemed as though the whole city had turned out.

South Bend is a large manufacturing city, and I judged from the faces and dress of the throngs that lined the streets and visited the SHIVELY home, that workmen from the factories had joined with the bankers, the tradesmen, the professional men, and men in all walks of life in paying tribute to the fellow townsman they had all loved. Here, then, was a man who had gained eminence by no fluke. His own people had been sincere in their suffrage to him in his many battles of campaign, red fire, and oratory, and in the harbor of the final refuge he was borne through silent avenues of a grieving people.

No wealth had been left behind this son of Indiana soil, but what is more greatly cherished—a good name—was bequeathed to a people who had thrilled in the thought of this priceless legacy.

The life of Senator SHIVELY was great in years and great in achievements. His work in this mundane sphere of action has ended. He will be missed by his colleagues and by his countrymen, but the greatest loss will be to his fond and noble wife and children, to whom he was a devoted husband and a loving father. May they have comfort in his honorable and successful life.

Mr. GRAY of Indiana. Mr. Speaker, time is a great analyzer of facts. Time is a great demonstrator of truth. Time is a great vindicator of principles and policies and men. Time will tell. In the great final analysis time will weigh and consider and determine the right and the true worth and merit of men. When time has weighed and decreed its estimate of great national policies and public men it will place the name of BENJAMIN F. SHIVELY among the great men of the State he honored by his representation and among the great leaders in the Nation he served.

Men build great monuments and raise enduring marble shafts to hold up their names after death. They erect great buildings, structures, and imposing statuary to hold up their names after death. Men climb to dizzy heights and chisel their names upon some high rock or lofty crag to hold up their names after death.

But in time the monument and enduring shaft will crumble away. In time the great building, structure, or imposing statuary will fall to the earth. In time the elements will erase the name chiseled in the high rock or overhanging crag. In time every vestige, trace, and evidence of the efforts of men in a material and physical way to perpetuate their names will be obliterated from the earth.

But BENJAMIN F. SHIVELY has built his monument in the great principles and policies of government for which he has stood and defended and promoted by his ability as a statesman and an orator of the highest rank.

There are some men who have obtained high rank, distinction, and national reputation because their names have been linked or associated with great and important acts of legislation in Congress, when the real labors by which the legislation has been framed and enacted into law have been performed by others. Many times men thus take credit and obtain fame by reason of their place and position in the enactment of great legislative measures, and not by virtue of performing greater duties or more able services than others. But the honor, credit, and distinction won by BENJAMIN F. SHIVELY has been won by sheer force of his abilities as a statesman, his talents as an orator, and his zeal and indefatigable industry in the study of public questions, and his advocacy on the floor of the House of Representatives and the Senate where he has served the people of his country.

Mr. Speaker, I regret that circumstances have denied me an opportunity to express my full appreciation and to speak at greater length on the life and services of BENJAMIN F. SHIVELY, late Senator from Indiana, but I could not refrain from speaking these few words in honor of his memory.

Mr. MORRISON. Mr. Speaker, the people of the State of Indiana had through many years of his political and official public life come to know intimately and to hold in highest esteem the man whose memory we are met to-day to honor, the late Senator BENJAMIN F. SHIVELY, of Indiana.

Born and reared in St. Joseph County, Ind., he resided in that county during all of his eventful and honorable life. He was long the most distinguished citizen of the city of South Bend, was an honor to the city, and was honored highly by all its people.

His was a strong, active, and analytical mind. He was ever a thorough student. He acquired a thorough knowledge of the facts in every case and a clear grasp of the principles involved. He traced much of the unorthodox teachings of political adventurers to "intellectual sloth," rather than to a deliberate purpose to sacrifice correct principles for temporary convenience or personal advantage. In his own life intellectual sloth was never for a moment tolerated.

Senator SHIVELY was elected to represent his district in the Forty-eighth, Fiftieth, Fifty-first, and Fifty-second Congresses, at the end of which service he voluntarily retired from public life and to the practice of his chosen profession—the law. By that time he had gained a reputation for high character and great ability, that made it impossible for him to live a retired and quiet life, free from active participation in political and other forms of public activity and service. His party made insistent and incessant demands upon him. It desired the benefit of his learning, ability, and sound judgment, and it never appealed to him in vain.

In times of public agitation and resulting political and social unrest Senator SHIVELY did not seek to avoid problems by denying their existence, nor by misstating their terms, nor by minimizing their importance, nor yet by attempting to sense out the trend of public thought and following the line of least resistance. It has not been my privilege to enjoy the friendship and to receive the helpful advice of any man who had a broader, deeper, or more accurate knowledge of American history or the fundamental principles of the American Government. He believed in our institutions. He knew them with the thoroughness that spares no labor and overlooks no detail, and was ever ready to give a reason for the faith that was in him. Like the founders of the Republic, he knew the centuries of human history out of which came the almost superhuman wisdom with which the fathers framed the Constitution and established the elementary powers, purposes, and activities of the Central Government of our people, exercising in full and exclusive sovereignty the powers, and performing effectively the duties cast upon it by the fundamental law of the land. He knew the division of powers and duties that necessarily results from our dual form of government, believed in it with all his mind and heart, and refused in times of peace and tranquility or in times of excitement or in response to the dangers of political storm or stress to forget that there is a dividing line or to change his mind as to just where it lies.

To him who has not studied the history of the past all suggested changes in the organic or statute law of the Nation or of the State are equally novel. They are as novel to their proponents as they are to other persons, if all are alike unfamiliar with fact, the times, and the circumstances of their prior presentations, discussions, trials, and successes or failures. To Senator SHIVELY most of them were ancient history, and to him history furnished irrefutable evidence of the degree of merit or demerit that must at last be credited to each of them by enlightened public opinion. This element of his intellectual equipment enabled him to maintain a steadfast position in all circumstances and to pursue a straight course through every maze of conflicting interests and ill-considered opinions of men. Every student of public questions in Indiana gave great weight to Senator SHIVELY's deliberate and final judgment. They learned only of his last and best thought, for he was accustomed to investigate, learn, weigh, and consider before he undertook to discuss a public question. He did not seek men out and attempt to impress his opinions upon them. They had learned to seek him out that they might have the benefit of his ability, scholarship, and sound judgment.

Senator SHIVELY was truly great as an advocate of his views upon public questions. He spoke without manuscript or notes, but not without preparation. The speech as it fell from his lips was ready for publication, and needed not to be edited or revised.

He did not seek to impress men with his eloquence. He sought only to enlighten their minds and move their wills. When he was at his strongest and best his hearers sat in solemn silence and he read the verdict of their approval in the stillness



of their rapt attention, rather than in their rounds of thunderous applause.

His service in the Senate of the United States came at a time when his ability, character, characteristics, and his intellectual attainments and habits gave to him peculiar fitness to meet the exact duties that were immediately cast upon him. So long as his physical strength would permit he was a trusted and safe adviser to the President in the decision of those first questions growing out of our foreign complications, the correct decision of which has made possible the correct and unimpeachable record which the President has made in the establishment and maintenance of his foreign policy.

To us his death seemed untimely and his brethren can not but mourn. And yet it is not for us to judge of the times and the seasons. We can not know what his full mission was or when he had completed his allotted task. We only know that his ability was great, his attainments were high, he was faithful to every trust, and rendered a public service worthy of the great man he truly was.

His character, attainments, record, and high achievements make it impossible to write the history of his State or country without paying homage to his name. To wife, daughter, and sons he left a precious heritage of blessed memories and of public honors and gratitude the value and consolation of which they alone can ever know.

We who have known him best and to whom his friendship was dearest and most helpful shall ever think of him as one of the greatest of the great men Indiana has given to our national life.

The SPEAKER pro tempore. According to the terms of the resolution heretofore adopted, the House will now stand adjourned.

Thereupon (at 3 o'clock p. m.) the House adjourned until to-morrow, Monday, February 19, 1917, at 12 o'clock noon.

## SENATE.

MONDAY, February 19, 1917.

The Senate met at 10.30 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee for guidance and blessing as we are engaged in a great struggle for the supremacy of the truth. We know that the truth in its highest form can only emerge from human struggle; that out of the testing of character, out of the conflict of opinion, out of the clash of interest, there must come the establishment of those lines of right relationship between men, truth in its highest and divinest form. We pray Thee to guide us this day that we may have the light of Thy holy Spirit in our hearts and the light of Thy holy word upon our path, that we may follow the light as God leads us, to accomplish the supremacy of the truth. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smith, S. C.
Beckham	Hughes	O'Gorman	Smoot
Brady	Johnson, Me.	Overman	Sterling
Brandeggee	Johnson, S. Dak.	Page	Swanson
Bryan	Jones	Penrose	Thomas
Chamberlain	Kenyon	Pittman	Thompson
Clapp	Kirby	Ransdell	Tillman
Cole	La Follette	Robinson	Vardaman
Cummins	Lane	Shafroth	Walsh
Curtis	Lodge	Sheppard	Watson
Dillingham	McCumber	Sherman	Williams
Fernald	Martin, Va.	Simmons	Works
Fletcher	Martine, N. J.	Smith, Ga.	
Gallinger	Myers	Smith, Md.	
Gronna	Nelson	Smith, Mich.	

Mr. HUGHES. I desire to announce the absence of the senior Senator from Kentucky [Mr. JAMES] on official business.

Mr. VARDAMAN. Mr. President, I have been requested to announce the unavoidable absence of the Senator from Tennessee [Mr. SHIELDS] on account of illness.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The Secretary will proceed to read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, February 14, 1917, when, on request of Mr. OVERMAN and by unanimous consent,

the further reading was dispensed with and the Journal was approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 703. An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure;

S. 6850. An act authorizing transfer of certain retired Army officers to the active list;

S. 7757. An act authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment;

S. 7872. An act to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes;

S. J. Res. 208. Joint resolution to grant citizenship to Joseph Beech;

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn.;

H. R. 12463. An act for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.;

H. R. 12541. An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader;

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry; and

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.

## STATUE OF ADMIRAL DUPONT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, which was, on page 2, line 4, after "complete," to insert:

*Provided further*, That no greater area in the said Dupont Circle shall be taken for the memorial herein authorized than the small circle now occupied by the statue of Admiral Dupont.

Mr. WILLIAMS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19937) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

## PETITIONS AND MEMORIALS.

Mr. THOMAS. I have a petition from the Bethel Baptist Church, of Denver, Colo., on the subject of prohibition, which I ask to have printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

DENVER, COLO., February 11, 1917.

To the honorable Senate of the United States of America.

GENTLEMEN: We, the members and friends of the Bethel Baptist Church, of Denver, Colo., respectfully request your honorable body to pass a law to prohibit the manufacture, sale, transportation, importation, and exportation of all alcoholic beverages of every kind and character.

The wonderful effect of prohibition after a trial of one year in Colorado has shown what great results will occur to all parts of the United States should a similar law be in effect. But we in Colorado are cursed with importations of liquors from neighboring States east, south, and north of us. We therefore urge you to pass the law immediately and not wait for an amendment to the Constitution, but deal with the poison